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☞ Separate paging is given to this Part in order that it may be filed

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.....1—22

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .....1—17

PART III.—Advertisements and Notices by private Individuals and Corporations .....1—3

PART IV.—Acts of the C cil assented to by the C

Not pri

PART V.—Bills introdu the Governor General Legulations, or publis

The Native Passen Bill.....
The Indian Marriag
The Burma Courts B

SUPPLEMENT, No. 1 ..

PART I.

Government of India Notifications, Appointmen

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 30th December 1871

No. 5788.—Under Section 6 of Act XXXII of 1871 (the C Governor General in Council is pleased to appoint the under-menti ant Commissioners in Oudh, with effect from the dates specified op

Mr. H. C. Irwin, from 6th November 1871.
„ C. J. Connell, from 7th November 1871.
„ J. Hooper, from 7th December 1871.

E

Secretary

ENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

ernor General in Council is pleased to direct the publication of the n substitution of the one published under Notification No. 145, dated

ADVERTISEMENT.

ment of India, after communication with various Agricultural and ural Societies in India, and with persons interested in the subject, d at the conclusion that the only real obstacle to the development of ive trade in the fibre of Rhea or China-grass is the want of suitable y for separating the fibre and bark from the stem, and the fibre from the cost of effecting such separation by manual labor being great.

l for the fibre is now large, and, no doubt, might be extended with prices, and there is a practically unlimited extent of country in India e plant could be grown.

ments of the case appear to be some machinery or process capable of , with the aid of animal, water, or steam-power, a ton of fibre of a hich shall average in value not less than £50 per ton in the English t a total cost—all processes of manufacture and allowance for wear included—of not more than £15 per ton. The said processes are to tood to include all the operations performed, after the cutting and of the plant to the place of manufacture to the completion of the re of fibre of the quality above described. The machinery must be rong, durable, and cheap, and should be suited for erection at or plantations, as the refuse is very useful as manure for continued n.

e the invention or adaptation of such machinery or process, the ent of India hereby offers a prize of £5,000 for the machine and at best fulfils all the requirements named above.

moderate amount will be given for really meritorious inventions, gh failing to meet entirely all the conditions named.

e delay that has taken place in maturing the preliminary arrange- Government of India has decided that the competition will not be the 1st April 1872, thus affording a much longer time than was intended for the preparation of machines and their transport to the pointed for the competition. The Government Rhea Plantation at ore, in the North-Western Provinces, has been fixed as the place public competition will be held, and the Government of India will e or more small steam-engines to work the machines during the petition.

y, &c., intended for trial must be brought by the competitors at their re to the Saharunpore Rhea Plantation, and kept ready before the 1872, to be there worked under their own supervision, or under that presentatives, for a sufficient length of time to enable the judges by Government to determine whether all the conditions named complied with. The prize machine is to be transferred, if required, ment at 5 per cent. above cost price; the patent right in any such o be also transferred, if required, to Government, on the latter o the patentee a royalty of 5 per cent. on the cost price of all machines ired under the patent during its currency.

ts have now been completed for the supply of dried Rhea stems to competitors, both in this country and in Europe, to enable them to orrect idea of the nature of the plant which their machinery will be o deal with. Persons in Europe desirous to obtain small supplies Rhea stems for the above purpose, should apply to the Secretary of India. Intending competitors in this country, desirous of obtaining

supplic , of the article, must submit applications to the Secretary to the Governme .t of India, in the Department of Agriculture, Revenue, and Commerce in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machine at the Government Plantation, such permission will be subject to the following conditions :—

1st.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials, I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

FORESTS.

Fort William, the 5th January 1872.

No. 36.—The Governor General in Council is pleased to make the following promotions in the Forest Department :—

Mr. G. Duff, Officiating Deputy Conservator of Forests (Punjab), to be a Deputy Conservator, 3rd Grade, on the Establishment, *vice* Captain Lillingston, Bengal Staff Corps, deceased, and to be posted to the Punjab.

Mr. W. Brereton, Assistant Conservator, 1st Grade, to officiate as Deputy Conservator, *vice* C. F. Amery, on furlough, and to remain attached to the North-West Provinces.

Mr. G. Forster, Officiating Assistant Conservator, to be an Assistant Conservator, 3rd Grade, on the Establishment, in succession to Mr. Duff, promoted, and to be posted to the Central Provinces.

Mr. R. Dodsworth, Assistant Conservator, 3rd Grade, to be Assistant Conservator, 2nd Grade, and to remain attached to Oudh.

STATISTICS.

The 5th January 1872.

No. 4.—Mr. W. W. Hunter, LL.D., Director General of Statistics to the Govern- of India, availed himself, on the 27th ultimo, of the leave of absence granted to him in ation No. 197, dated the 15th idem.

SURVEYS.

The 5th January 1872.

No. 5.—Mr. James Hugh O'Donel, Deputy Superintendent of Revenue Sur- st Grade, having returned from sick leave on the 25th September last, the -mentioned officers (whose temporary promotions were gazetted in Notifi- n No. 41, dated 13th July last), reverted to their permanent appointments at date, *viz.*, 25th September last:—

Mr. Nicholas Thomas Dancy, Deputy Superintendent, from 1st to 2nd Grade.

Captain Fitzherbert Coddington, Deputy Superintendent, from 2nd to 3rd Grade.

Captain William Henry Wilkins, from Deputy Superintendent, 3rd Grade, to Assistant Superintendent, 1st Grade.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

POLITICAL.

Fort William, the 5th January 1872.

No. 31 *P.*—The following Regulations for the peace and government of the districts of Hazara, Peshawur, Kohat, Bunnoo, Dera Ismail Khan, and Dera Ghazee Khan, having been proposed by His Honor the Lieutenant Governor, have been considered and approved by His Excellency the Viceroy and Governor General in Council, and are now published for general information, as having the force of law under 33 Victoria, Chapter 3, Section I.:—

1.—In the event of any frontier tribe acting in a hostile or unfriendly manner to the British Government, it shall be lawful for the Deputy Commissioner, subject to the sanction of the Commissioner, to detain all or any members of the said tribe, and to detain or confiscate their property, to debar members of the tribe from access into British territory, and to prohibit British subjects from all intercourse with such tribe.

2.—No new hamlet, village, tower, or walled enclosure, shall be erected within five miles of the British frontier, without the consent of the Commissioner of the Division, who shall have power to prohibit the erection thereof, if deemed necessary. In the event of the Commissioner prohibiting such erection, he must record the grounds of his decision.

3.—The Deputy Commissioner, with the concurrence of the Commissioner, may impose fines on village communities, the inhabitants of which, after due enquiry, are found to be guilty of colluding with or harbouring criminals, or combining to suppress evidence in criminal cases.

Provided that when the fine imposed shall exceed one-half of the year's revenue of the village, the case shall be referred for sanction to the local Government.

All fines imposed under this section shall be recoverable, in default of payment, in the same manner as arrears of land revenue.

4.—When any person is known or believed to have a blood-feud, or other cause of quarrel likely to lead to bloodshed with parties beyond the border, the Deputy Commissioner may require such person to reside beyond the limits of the territory to which these rules apply, or in such place within the territory as he may deem desirable.

Provided that if such person be a resident of the village, hamlet, or place from which he is required to remove, the sanction of the local Government be obtained.

5.—Whenever it may be expedient on military grounds, it shall be lawful f local Government to direct the removal of any village on the immediate to any other site within five miles of the original site, and to award sucl to the inhabitants as shall, in the opinion of the local Government, be compensation for any loss which may have been occasioned to them b removal.

6.—When a person is accused of murder or other heinous offence, and the case a to the Deputy Commissioner to be one which, from the inadequacy of ev or other cause, it is not expedient to try according to the ordinary proc the Deputy Commissioner may cause the case to be referred to the deci elders convened according to Pathan or Bilooch usage, and cause such d to be carried into effect as if it were a sentence of Court: provide sentence shall extend only to the infliction of a fine on the convicted pa

7.—Section 445B Act VIII. of 1869 shal no force in the distri which these rules apply. contemplated in that section shall be tried according to the procedure provided in Chapter XIV. of the Criminal Procedure Code.

* This section runs:—"Such Chief Officer" (*i. e.*, the Chief Officer charged with the executive administration of a district in criminal matters when invested with power to try all offences not punishable with death, and to pass sentence of imprisonment for a term not exceeding seven years, &c.,) "shall try as a Court of Session offences which, under the schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by the rules contained in Chapter XXV. of this Code."

8.—Any man who has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape; and any married woman who knowingly and by her own consent has sexual intercourse with any man who is not her husband, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

9.—Section 209 of Act VIII. of 1869 shall be read as if the clause noted in the margin, were omitted.

Specified in column 7 of the 2nd schedule, as hereto annexed, as triable by the Court of Session.

10.—Persons offending against any of the rules here laid down shall be liable, on conviction, to imprisonment, rigorous or simple, which may extend to six months, or fine which may extend to Rs. 1,000.

11.—In every district a register shall be kept up of all cases dealt with under these rules, and a statement of all such cases shall be submitted half yearly to the local Government.

12.—The Police Act V. of 1861 may, at the discretion of the Lieutenant Governor, be extended to the districts of Hazara, Peshawur, Kohat, Bunnoo, Dera Ismail Khan and Dera Ghazee Khan, subject to the limitations specified below:—

(*a*).—Such portion of the duties of the Inspector General of Police as refer to inspection, pay and clothing, shall be performed by the Inspector General of Police, Punjab.

(*b*).—All other duties now performed by the Inspector General shall be performed by the Commissioner, who shall be held to possess the powers of an Inspector General, within the limits of his own division.

(*c*).—Deputy Commissioners shall be held to be *ex-officio* Deputy Inspectors General of Police within the limits of their respective districts, without prejudice to their exercise of all the powers of a Magistrate.

13.—So far as regards the Hazara District, Act III. of 1870 (the Agror Valley Act) is repealed; such parts of the district as have been dealt with under the Act are restored to the jurisdiction of the ordinary Courts of Civil and Criminal Judicature, and to the control of the offices of revenue constituted by the Rules Regulations and Acts in force in the territories under the control of the Lieutenant Governor of the Punjab, and to the law prescribed for the said Courts and Offices by the Rules, Regulations and Acts aforesaid; and all Rules heretofore prescribed for the Hazara District, or any part thereof, either under Ordinance of the 4th day of October 1869, or under the Agror Valley Act, are hereby repealed, with the exception of the following, which are hereby declared to be in force, in the form below stated:—

LAND REVENUE.

I.—Notification, No. 636, dated 4th October 1870.

Suits of the class described in Section 23 of Act XIX. of 1865 ("The Punjab Court's Act") shall, during the progress of settlement operations in the Hazara District, be heard in the Settlement Courts of the Hazara District.

HUZARAH SETTLEMENT RULES.

A.—RULES FOR THE SETTLEMENT OF PROPRIETARY RIGHTS.

1. The Settlement Officer shall cause to be prepared for each village a statement showing for each class of village occupants, the origin, nature, and duration of their connection with the village. The statement shall include all who have any interest in, or claim upon, land situate in the village.

After examining this statement the Settlement Officer shall declare by an order in writing enfaced thereon, what parties are in proprietary possession of any description; and what parties are not in such possession, or only tenants. Every effort is to be made by Settlement Officer to ensure the purport of this document being made thoroughly known to all parties interested.

2. Thereafter it shall be open to any one, who considers himself entitled to other rights than those he is by that order awarded, to present to the Settlement Officer a petition stating his claim. The claim shall be enquired into and decided in the manner provided for judicial suits.

3. In deciding such claims the Judicial Officers of the Huzarah Settlement shall have power to decree to the claimant the restoration of any rights which he may prove that he himself or his representative possessed immediately before the Sikh conquest of Huzarah: *provided that*—

I. Possession of such rights was not lost by an act of confiscation (express or implied), proceeding from the Sikh or British Government.

II. It shall be competent to the said Judicial Officers, in cases in which such a course may appear equitable, to restore to the claimant only a share of the rights claimed—or to reject the claim entirely if it appear to him inequitable or incompatible with the existing status and usages of the country.

4. In all cases referred to in the first proviso of the preceding rule, in which such a course may appear desirable, the Settlement Officer shall not declare any rights under Rule I; but shall hold an inquiry, giving to all parties interested an opportunity of stating their claims and adducing evidence in support thereof; and shall report the result to the Commissioner, especially stating for each village, who were the original proprietors, and the manner in which the Government of the day has dealt with the occupants since the original proprietors were ousted; and the Commissioner shall thereon pass such orders for the bestowal at this Settlement of proprietary right in such villages, as shall appear to him equitable with reference to the fair claims of the ousted proprietors and of those who have intermediately held under the State. An appeal from such order will lie to the Financial Commissioner, who should carefully watch decisions passed under this rule, reporting special cases for the orders of Government; but no judicial suit shall lie against the orders passed under this rule.

5. In the case of claims to release mortgages, no limitation shall bar them from hearing; provided that the claimant be—according to the custom hitherto regulating the devolution of landed property in his tribe—a representative of the original mortgagor. And it shall be incumbent on the mortgagee to prove the amount of the debt originally secured by the mortgage. Failing which the investigating officer shall assess the amount of the mortgage debt in such way as the parties may agree to; or in such way as may be consonant with local custom; or in such other way as may appear most equitable. Further, it shall be competent to the Settlement Officer, and to his subordinate judicial officers with his sanction,—in place of awarding to the mortgagee the repayment of the mortgage debt,—to award to the mortgagee a share of the mortgaged land in proprietary right; replacing the mortgagor in possession of the remainder only; this course to be adopted, when past circumstances have so embarrassed the mortgage as to render the exact ascertainment of the original contract a matter of difficulty.

6. Where a double proprietary right (superior and inferior) is found to exist in the same land, the Settlement Officer may, upon the application of either party, in lieu of awarding rent to the superior proprietor, award to him possession of a fair proportion of the village lands, cultivated and uncultivated. Such award shall be in full satisfaction of the superior proprietor's claims: provided that—

I. It shall not give to the inferior proprietors any power of alienation, which they did not before possess, or to their collateral heirs any right of succession which is opposed to existing custom; the prevailing usage on each point being carefully ascertained and recorded by the Settlement Officer;

II. Nor shall it deprive the superior proprietor of any right of pre-emption or reversion to which he may be otherwise fairly entitled.

7. In cases in which a co-sharer of a tribe, among whom the custom of "*waish*" (periodical repartition on ancestral shares) prevailed before Sikh rule, has been deprived of land by the State for public purposes; or has lost his land within British rule by diluvion;

which land previous to Sikh rule would have been subject to the tribal "*waish*;" he shall be permitted to present a claim to the Settlement Officer for an equivalent portion of shamilât land in the same village. The Settlement Officer or other competent Judicial Officer subordinate to him shall thereon summon a council of the community against whose shamilât the claim is laid and investigate its truth. If the loss of any land in the manner above stated be proved; and if the claimant has no other land or insufficient land left for the support of himself and his dependants, and if the enforcement of the claim shall not be on other grounds inequitable, the investigating officer shall decree to the claimant such portion of the shamilât land aforesaid as may appear equitable, with reference to the loss of the claimant and the extent of the village shamilât; provided that in the case of land taken by the State no order for the making over of shamilât land to the claimant shall be passed, until the claimant deposits the consideration money which he received from the State; and the consideration money thus deposited shall be made over to the community in lieu of the shamilât land taken.

8. The Settlement Officer shall ascertain for each proprietary community the custom concerning pre-emption, and frame with their assistance suitable rules for its enforcement hereafter.

B.—RULES FOR ASCERTAINING THE CUSTOMS REGARDING INHERITANCE OF RIGHTS IN THE SOIL, OTHER THAN ASSIGNMENTS OF REVENUE.

9. The Settlement Officer shall ascertain for each tract, tribe, or village (as may be most convenient) the customs that regulate the devolution of all rights in the soil, other than assignments of land revenue. And in cases in which such customs may appear on enquiry to be doubtful, he shall, in communication with the chief representatives of the said tract, tribe, or village, and with the sanction of the Commissioner, declare for future observance such custom as may be most consonant with the feeling of the parties concerned. Should any party consider himself aggrieved by the record thus made, he shall have a right of appeal to Financial Commissioner.

C.—RULES FOR ASCERTAINING AND DEFINING THE RIGHTS AND LIABILITIES OF TENANTS.

10. The Settlement Officer shall ascertain for each different tribe or tract, under what circumstances tenants are entitled to occupancy rights. In this enquiry he shall be guided by the status of affairs which existed prior to the Sikh conquest. After the result of his enquiries has been confirmed by the Commissioner, all tenants shall be awarded rights accordingly, —a right of appeal, however, lying to the Financial Commissioner.

11. The Settlement Officer shall cause to be ascertained for each tenant the origin, nature, and duration of his tenancy, and shall assign to him a status according to the results of the enquiry mentioned in the preceding rule. A paper embodying the facts ascertained by this enquiry shall be included in the settlement record; and the statements contained in this paper shall have the same effect as regards finality as is given to the rest of the record.

12. The Settlement Officer shall cause to be drawn up for each tract, tribe or village (as may be most convenient), a Code of Rules for regulating hereafter the relations between proprietors and tenants. The subjects treated of in the two preceding rules excepted, this Code shall dispose of all matters dealt with by the Punjab Tenancy Act; and it shall follow that Act so far as it may not be inconsistent with the ascertained custom of the tract concerned, or inapplicable to its physical and political conditions.

D.—READJUSTMENT OF RENTS.

13. During the progress of the settlement, there shall be given to the proprietory body of each village an opportunity of readjusting the rents of their tenants. In effecting this readjustment, the Settlement Officer shall be guided by—

(I) a consideration of the rents prevailing on adjacent land of a similar description;

(II) a consideration of the fair claims of the proprietor on the score of the increased value of agricultural produce, or of increase to the Government demand.

14. It is not desired by the previous rule to encourage any unnecessary disturbance of rents; on the contrary, where the rents found to exist are not complained of by, or manifestly unfair to, the proprietor, it will in most cases be best to leave them undisturbed. But where tenants are paying, without valid reason being assignable, at rates which give the proprietor no profit over and above the Government assessments, or at rates which are too low with reference to the considerations laid down in the previous rule, a readjustment of rent should be effected.

15. No tenant-at-will shall be entitled to a decree for a reduction or change of rent in any shape, except with the consent of his proprietor. But such relief, as may be equitable, may be awarded to occupancy tenants, except a change from cash to grain rents, or from grain to cash rents.

16. In cases in which under the Summary Settlement of Huzarah, former officers have converted grain rents into cash, without the consent of the persons declared at this settlement to be proprietors, the Settlement Courts may direct that the previous grain rents be reverted to.

17. The new rents fixed under these rules shall come into force simultaneously with the new assessments.

E.—RULES FOR REGULATING THE SUCCESSION TO REVENUE ASSIGNMENTS.

18. The Settlement Officer shall ascertain for each class of revenue assignments granted for more than one life, or for the period of settlement, or for each of such cases where necessary, what rule is best calculated to secure to Government the attainment of the object for which the grant was given. The result of his enquiries shall be submitted to the Commissioner, who shall pass final orders as to the rule to be hereafter followed, reporting the same through the Financial Commissioner for the sanction of Government.

19. All cases in which orders of succession contrary to the orders to be laid down under Rule 18 have been passed, shall be reported by the Settlement Officer to the Commissioner, who is hereby empowered to revise the previous orders in the spirit of Rule 18, or in such modified way as the peculiar circumstances of such cases may call for.

F.—INVESTIGATION OF SETTLEMENT INAMS AND UNREPORTED REVENUE ASSIGNMENTS.

20. The Settlement Officer shall investigate the tenure of all settlement inams and unreported revenue assignments.

21. He shall have authority to confirm for life, or for the period of the new settlement all petty inams to village institutions; also small inams held by the individuals selected to be Lumburdars; but all other unreported inams shall be reported for the orders of the Commissioner.

22. The Commissioner may confirm for the period of the settlement the inams so reported to him, or he may resume them.

23. The Commissioner may create new small zemindari inams to be held for life, or for the period of settlement not exceeding the amount of those resumed.

24. The case of any important inam shall be reported to Government for disposal under the Jageer Rules.

25. The Settlement Officer shall draw up and submit to the Commissioner, for sanction of Government, rules to regulate the succession to these inams in cases in which the holder may die during the currency of the settlement; and such rules when sanctioned shall have the force of law.

G.—RULES FOR REVISING THE APPOINTMENT OF LUMBURDARS.

26. The Lumburdaree arrangements made at the previous Summary Settlement shall be revised on the following principles :—

27. In each community such person or persons shall be appointed Lumburdars as are best capable of representing the proprietory body. *Ceteris paribus*—a preference shall be given to those who have hitherto held this office.

28. A multiplicity of Lumburdars in the same village is not desirable. But where a due representation of the proprietory body cannot be otherwise obtained, such number as may be necessary to this object shall be appointed. Great tenderness should be exercised in depriving any individual or family of this privilege when it has been long enjoyed by them.

29. In every village in which it is necessary to appoint more than one Lumburdar, a Head Lumburdar shall be selected.

30. The Lumburdaree cess shall be 5 per cent. on the Government jumma, and in villages in which more than one Lumburdar is appointed, one-fifth of this cess, or so much as may be deemed necessary in each case, shall be reserved as an extra grant for the office of Head Lumburdar.

31. The Settlement Officer may, with the sanction of the Commissioner, supplement the emoluments of any Lumburdar or Head Lumburdar by a small inam. This inam to be given only in respect of the assignee's own proprietory holding.

32. The appointment of Head Lumburdar shall be for life only, and he shall be at any time removable by order of the Commissioner for sufficient cause shown.

33. In tracts where tribal chiefs or headmen are found, whose active co-operation on the side of Government it may be desirable to secure, the Settlement Officer may, with the concurrence of the Commissioner, award to such persons an allowance (that shall not be more than 10 per cent.) upon the land revenue of the tract in which they have influence.

34. The Settlement Officer shall, with the concurrence of the Commissioner, lay down rules defining the duties and responsibilities of Lumburdars, Head Lumburdars, and tribal headmen, appointed under these rules.

H.—RULES FOR SECURING A SYSTEM OF VILLAGE RECORD.

35. Each proprietary community shall appoint a Putwaree. The person appointed shall be a non-proprietary resident of the village, and shall be able to write.

The proprietors shall be encouraged to appoint persons who can write Oordoo to this post.

36. He shall be paid, where this may appear suitable, by the lease to him for the term of his office of a portion of the village shamilât without rent; or in such other way as the proprietary community may wish, and the Settlement Officer may approve of.

37. There shall ordinarily be a Putwaree to each village; but in special cases of small villages the Settlement Officer may sanction a different arrangement.

38. It shall be the Putwaree's duty to keep a diary, in which shall be punctually recorded all occurrences affecting the tenure of land in the village, and such other matters as may be prescribed to him.

39. To each convenient circle of villages the Settlement Officer shall appoint a Naib-Kanoongo. He shall be a resident of his circle, and shall be remunerated by a rate on the jumma of each village therein contained, which should not ordinarily exceed three per cent.

40. It shall be the Naib-Kanoongo's duty to classify in forms similar to that of the settlement record the entries in the diaries of the Putwarees of his circle. And he shall generally supervise the Putwarees.

41. The Settlement Officer shall draw up, with the concurrence of the Commissioner, rules for the further attainment of the objects of these instructions. The rules shall define the manner in which these officials shall be appointed and dismissed; their duties and responsibilities, and those of the proprietary community in connection with them; the papers they shall keep; and the returns they shall submit; and the method and rate of their remuneration.

I.—RULES FOR THE FUTURE ANNUAL PAYMENT OF REVENUE.

42. From the time the new assessments come in force, the revenue of each harvest shall be payable in one payment, instead of in two as heretofore.

43. The Settlement Officer shall fix the latest date for the payment of each harvest's revenue, so that in each tract of different climatic conditions the Government revenue shall fall due about one month after the principal crops are harvested.

44. In every case the new assessments shall come into force from the date fixed for the commencement of the agricultural year, under rule 12 of these rules.

K.—SPECIAL CESSES.

45. The Settlement Officer will select, for the location of village schools, one or more large village in each *Ilaka*. Every village so selected will be called upon by him, in consideration of the special advantage it will receive by the location therein of the school, to assign (rent and revenue free) a piece of cultivated land from the village shamilât for the support of the Schoolmaster: such land to be given in addition to the one per cent. educational cess.

46. A cess of one per cent. on the revenue shall be imposed on the proprietors, and the proceeds be devoted, under rules to be drawn up at this settlement, to the relief of disease among the population of Hazárah.

L.—RULES FOR DEFINING RIGHTS IN VILLAGE SITES.

47. The Settlement Officer shall ascertain and record all customs affecting the ownership of the village site; and the settlement record shall include a list of the occupants of

that site, with such detail as may be practicable; this list shall also specify the rights and interests connected with each tenement and plot so far as they can be ascertained.

48. The customs affecting the village site thus to be ascertained shall have the same force as the rest of the settlement record; but the individual entries in the list of tenements shall only be *primâ facie* evidence of the facts therein stated.

M.—STAMPS AND FEES.

49. All initial petitions in judicial and revenue cases before the Settlement Officer and his subordinates shall be presented on an eight anna stamp. All intermediate applications shall be written on one anna stamps.

50. All copies of orders shall be granted on plain paper.

51. All initial petitions to the Commissioner shall be prescribed on a rupee stamp, and all subsequent applications on an eight anna stamp.

52. Any officer to whom a petition is presented may, if he see sufficient cause, accept it on plain paper instead of on a stamp.

53. The Commissioner may direct such fees to be levied for processes, and for entries in the settlement records, as may be necessary to meet the expenses entailed thereby.

N.—POWERS OF OFFICERS.

54. The judicial and executive powers of the Settlement Judicial Officers shall remain as at present, except as hereinafter provided.

55. All original orders passed by the Assistant Settlement Officer, Superintendents or Deputy Superintendents, whether in judicial or revenue proceedings, shall be appealable to the Settlement Officer; and he may refer to the Assistant Settlement Officer for disposal any appeals from the orders of the Superintendents and Deputy Superintendents.

56. All final orders passed by the Settlement Officer and Assistant Settlement Officer shall be appealable to the Commissioner.

57. The Superintendents and the Assistant Settlement Officer may revise any final order they may have passed with the permission of the Settlement Officer; and the Settlement Officer and Commissioner may revise any final order they may have passed at any time before the settlement is reported for the sanction of the Local Government.

58. All appeals shall be presented within two months of the order appealed against.

O.—CONFIRMATION OF THE SETTLEMENT.

59. As the record of rights in each tract is completed, and whenever any customs have been ascertained or defined, and whenever the Settlement Officer shall have prepared any rules, pursuant to these instructions, he shall take an early opportunity of submitting his proceedings to the Commissioner for confirmation.

60. Excepting as in these rules expressly otherwise provided, all records of rights, customs, liabilities, and rules drawn up by the Settlement Officer shall, when confirmed by the Commissioner and Financial Commissioner, be considered a final settlement of all matters therein treated of; and only those matters shall be revised at ensuing settlements which relate to office bearers and their duties; and to the amount of and method of paying the Government revenue and cesses, and proprietary rents of any description. And no suit shall lie to enforce a right or usage or liability contrary to the settlement record. Provided that suits may be brought after settlement to show that any given field was entered under a holding contrary to the settlement award in respect of it; and upon this plea being established the record shall be altered so as to accord with the original award.

61. To prevent injustice occurring owing to the finality thus given to the record, the Settlement Officer shall at once issue a proclamation acquainting the people of Hazárah with the preceding rule;

also copies of these rules shall be given gratuitously to each village;

also copies of the final entries in each part of the record shall be given to all persons concerned, before it is reported to the Commissioner for confirmation;

also the Commissioner, before confirming any part of the record, shall satisfy himself by inspection of the rough papers on which it is based, and by personal local enquiry, that it has been prepared with due regard to publicity; and that full opportunity has been given to dissatisfied persons to appeal against the conclusions arrived at by the Settlement Officer.

62. When the settlement has been concluded, the Settlement Officer shall submit a full report to the Local Government, showing the manner in which all rights and interests, public and private, connected with the settlement have been disposed of.

63. The Local Government may, within six months of the receipt of this report, annul or vary any of the proceedings therein reported. And if the Local Government is not fully satisfied that the precautions for securing publicity laid down in Rule 61 of this Section have been fully observed, it will issue within the said six months an order depriving such parts of the record as it may consider to be imperfectly prepared of the finality contemplated in Rule 60.

64. Nothing in these rules shall be taken to bar the admission, within three years of the date of the Settlement Officer's final report of the individual claims of any person who can prove that by reason of absence from the Punjab during the Hazárah settlement operations he had no probable means of knowing that they were going on.

65. Except as expressly provided in these rules, all the proceedings of the Hazárah settlement shall be regulated by the spirit of the enactments under which the first settlements of the interior districts of the Punjab were carried out.

RULES FOR THE CONSERVANCY OF TREES AND FOREST LANDS IN HAZARA.

PRELIMINARY.

Definitions.—Forest land.

1. In these rules, *forests* or *forest land* includes all uncultivated land, except public ways, graveyards, sacred places, banks and corners of fields, habited sites, and the land immediately attached to such sites.

Uncultivated.

No land shall be considered "uncultivated" within the meaning of the preceding clause which may be entered as "*cultivated*" or "*fallow*" in the faired records of the settlement now being made.

Zemindars.

The word *Zemindars* means all persons who have a prescriptive right to the user of the forest land, but it shall in no case be construed so as to give any person a greater right of user than he possesses independently of these rules.

Hazara.

The expression "*The Hazara District*" does not include the hereditary territory of the Nawab of Umb.

DIVISION OF THE FOREST LANDS INTO RESERVED AND UNRESERVED TRACTS.

Reserved and unreserved tracts defined.

2. At the present settlement, the area of forest land attached to each village will be reviewed, and the settlement officer will, so far as may be advisable and convenient, divide such land into two portions, *viz.*,—

(A.) Forest land sufficient for the domestic, agricultural and grazing requirements of the zemindars: such land to be called the "*unreserved*" tract.

(B.) The surplus, if any, remaining after providing for the above: such land to be called the "*reserved*" tract.

More grazing lands need not be included in the reserved tracts.

Exceptional provisions in reserved tracts.

3. If, in any case, it may be found impossible to carry out this division without excluding from the "*reserved*" tract a valuable and important forest, the settlement officer may reserve the forest, subject to such exceptions from the rules applicable to the reserved tracts as may be necessary to secure to the zemindars the due supply of their domestic, agricultural and grazing wants: the said exceptions to be recorded in a settlement proceeding, and in all other respects such tracts are to be treated as "*reserved.*"

Boundaries of reserved tracts.

4. The limits of the reserved tracts shall be indicated by conspicuous boundaries—the boundaries to be erected by the settlement officer, and thereafter to be maintained by the Forest Department.

CONTROL AND MANAGEMENT.

Control.

5. The *unreserved* tracts will be under the control of the Deputy Commissioner (revenue side), and the *reserved* tracts will be under the control of the Forest Department.

(A.) UNRESERVED TRACTS.

Prohibited acts in unreserved tracts.

6. In these tracts the following acts are prohibited :—

Breaking up land for cultivation, except after consent of Deputy Commissioner obtained as provided in Rule 9.

Setting fire to grass tracts, or negligently permitting fire to extend thereto.

Setting fire to brushwood, trees, or stumps of trees.

Girdling, lopping, barking, boring for turpentine, or otherwise injuring growing trees.

Removing soil or dead leaves from under trees.

Selling standing trees.

Cutting young trees under any circumstances.

Felling for fuel trees included in the seignorage list (see Rule 12)

Zemindars' rights.

7. The above prohibitions excepted, the zemindars are at full liberty to exercise their rights in the unreserved tracts, it being distinctly understood that they may not cut trees except for their own domestic and agricultural uses; they will also be bound to report to the patwari for entry in his diary all cuttings effected by them under this rule, stating the purpose for which each cutting was made.

Selling of trees in unreserved tracts to outsiders.

8. Other persons than the zemindars, who wish to cut trees in these tracts, must apply to the Deputy Commissioner. It will be the duty of that officer to refuse the application, unless he is fully satisfied that it can be granted without entrenching on the necessary provision for the prospective wants of the zemindars; should he see fit to comply with the application, he will, after payment by the applicant of the seignorage, issue an order on the lambardars directing them to permit the cutting of the trees applied for. The order may be accompanied by such conditions as may be necessary in the interest of forest conservancy.

Cultivating unreserved tracts.

9. If the zemindars desire to bring under cultivation any portion of the unreserved forest tracts, they shall apply to the Deputy Commissioner. It will be the duty of that officer to refuse the application, unless he is fully satisfied that it will not, if granted, so contract the unreserved area as to necessitate the zemindars encroaching on the reserved tracts for the supply of their ordinary forest wants. If the application is granted, the area affected will be thenceforward excluded from the forest lands.

(B.) OF RESERVED TRACTS.

Prohibited acts in reserved tracts.

10. All the prohibitions detailed in Rule 6 for unreserved tracts will also apply to reserved tracts *mutatis mutandis*. In addition thereto, the following acts are prohibited in reserved tracts :—

Grazing or driving cattle or flocks;

Cutting grass or brushwood, or collecting fodder.

Collecting or selling fallen timber.

Collecting gums, resin, honey, wax, or other minor forest produce.

Carrying or kindling fire.

Carrying any implement to cut wood, except it is carried in pursuance of a permit to cut.

And it is to be distinctly understood that the zemindars may not exercise in the reserved tracts the rights maintained to them in unreserved tracts by Rule 7, except where, and so far as, special provision to that effect may be made by the settlement officer under Rule 3.

Duties of Forest Department in reserved tracts.

11. It will be the duty of the Forest Department in their management of the "reserved tracts" to consult *primarily* the interests of conservancy and reproduction, and *secondarily* the pecuniary interests of the zemindars to whom they belong. And subject to the due observance of these two principles, they will exercise full and complete control over the said tracts in all matters appertaining to their forest management.

SEIGNORAGE AND FOREST INCOME.

Fixation of seignorage.

12. * The seignorage to be levied by the Deputy Commissioner for fellings in unreserved tracts under Rule 8, and the seignorage to be levied by the Forest Department on all fellings in reserved tracts, shall be fixed by the settlement officer in consultation with the Forest Department, subject to the

* The forest seignorage rates sanctioned in letter of Secretary to Government, Punjab, to Secretary to Financial Commissioner, No. 740, dated 21st November 1870, will continue to be enforced till otherwise directed by the local Government.

approval of the Local Government. The seignorage list so fixed to be notified in the Government Gazette, and to be subject to future revision in similar manner, but not oftener than once in every five years.

Government share of the seignorage. Hazára Forest Conservancy Fund.

13. Half of the said seignorage shall, as laid down in 1857, be reserved to Government *for the purposes of these rules*; and shall be held in deposit to the credit of the Forest Officer in executive charge of the Hazára district, to be spent by him on the Hazára Forests under the rules of his Department. The monies so treated shall be styled the Hazára Conservancy Fund.

Conservancy Fund how to be spent.

14. *The purposes of these rules*, referred to in the preceding rule, shall be held to include all establishments maintained and works undertaken for the forest administration, conservancy or improvement of the Hazára forest lands; and also charges incurred in keeping necessary accounts. In cases in which such charges are incurred by the Deputy Commissioner, he shall charge the Forest Officer for them.

Surplus to be applied to local improvements.

15. Should a surplus of income over expenditure accumulate in the Fund defined in the two preceding rules, it may be applied, with the sanction of Government, to the improvement of roads in the Hazára hill tracts, or to other objects of public utility in those tracts.

Zemindars' forest profits.

16. The other half of the seignorage collected from the unreserved and reserved forest lands, as also all the miscellaneous proceeds collected by the Forest Department from the reserved tracts, shall be paid annually to the zemindars, through the agency of the Deputy Commissioner; the Forest Department remitting to that officer for this purpose such half seignorage and other income as may be due to the zemindars. Pending the annual distribution such sums will be held in deposit to the credit of the Deputy Commissioner, under the name of "Zemindars' Forest Dues."

Half net proceeds of fines to be added to the Zemindars' Forest Dues.

17. Except in cases in which a community of zemindars are themselves fined, or in which it may be inappropriate in the opinion of the deciding Magistrate, the net proceeds of fines for forest offences shall be divided equally between the Hazára Forest Conservancy Fund and the zemindars within whose limits the offences adjudicated may have been committed. In the excepted cases the entire proceeds of fines will be credited to the said Fund.

OFFENCES.

Breach of these rules.

18. Any person who commits, or (within the meaning of the Indian Penal Code) abets the commission of, any of the acts prohibited by Rules 6, 10, and 26 in the tracts respectively concerned, or who voluntarily neglects the duties imposed on him by Rule 21, shall be punished with fine, that may amount to Rs. 100, or to ten times the value of the forest produce injured, or illicitly taken, and in default of payment with imprisonment of either description for a term not exceeding six months. In the case of a second conviction rigorous imprisonment not exceeding six months may be awarded instead of fine.

Forfeiture of implements, &c.

19. The penalty contained in the preceding rule may, in the discretion of the adjudicating Magistrate, be accompanied by the forfeiture of all implements, cattle, or conveyances, used in the commission or furtherance of the offence adjudicated, and by the forfeiture of all wood or other forest produce obtained thereby.

Treatment of illicit cultivation.

20. When the offence found is the illicit cultivation of forest land, the forfeiture authorized in the preceding rule may extend to all the produce (growing or reaped) found on the said cultivation, as well as any huts or sheds erected on the land; and the sentence may further direct that the cultivator be ousted forthwith.

Responsibilities of zemindars.

21. It shall be the duty of all zemindars to aid in the extinguishing of forest fires, and in the prevention of forest offences, in their vicinity.

Communities may be proceeded against.

22. In cases of serious conflagration occurring in the forest lands, or in any case in which it may appear that any community of zemindars neglects to render reasonable assistance to the forest officers in the prevention and prosecution of forest offences, it shall be lawful for the Deputy Commissioner to treat the zemindars, in whose vicinity the conflagration has occurred, or the community so defaulting, either separately or collectively, as themselves guilty of the said acts, and to sentence them to the fine prescribed in Rule 18; and in default of payment to imprisonment as therein laid down. Every such conviction may in the discretion of the Deputy Commissioner carry with it the deprivation of all forest dues at the time outstanding to the credit of the convicted zemindars under Rules 16 and 17.

23. All cattle found straying or unlawfully grazing in any reserved forest may be seized by any forest official, and when so seized shall be driven forthwith to the nearest pound, to be there dealt with in the manner provided by law for cattle impounded for trespassing on cultivated land.

Cattle trespasses in reserved tracts.

24. Convictions under Rule 22 shall be appealable to the Commissioner; all other criminal proceedings under these rules shall be appealable or otherwise in the same manner as is provided in the Criminal Procedure Code.

Appeals.

MISCELLANEOUS.

25. In any case in which the zemindars may so desire, it shall be lawful for the Settlement Officer or for the Deputy Commissioner after the conclusion of the settlement operations to set aside out of the unreserved tracts a given portion for strict conservancy; and to record such rules in connection therewith as the zemindars may desire and are not objectionable on general grounds; the arrangement to hold good for the period of settlement, or for such shorter period as the zemindars may desire. Breaches of such rules to be punished in the same manner as provided under Rules 18 to 24.

Voluntary conservancy.

26. The following acts are prohibited irrespective of their connection (or otherwise) with forest lands :—

Injury to trees generally prohibited.

Injuring, or allowing cattle or flocks to injure any trees, groves or gardens on the sides of roads, in cantonments, or elsewhere. Provided that the said acts be not committed in pursuance of a private right.

Cutting or injuring trees, which fringe or overshadow natural streams or springs.

Cutting or injuring trees, or brushwood, or gardens, situate in any graveyard, *Ziárát*, or other sacred place.

27. The Settlement Officer shall cause to be prepared for the Forest Department *such* Vernacular copies of his maps and records as shall be necessary to enable that Department to give effect to these rules, without the necessity of constant reference to the settlement records; and when any subsequent alterations are made in the area of forest lands, similar documents shall be supplied to the Forest Department. The cost of preparing these records shall be paid by the Forest Department.

Copies of Maps, &c., to be made for Forest Department.

28. These rules shall come into effect from the date of the delivery to the Forest Department of the copies mentioned in the preceding rules: provided that a revised seignorage list may be enforced as soon as sanctioned.

Date of operation of these rules.

29. From the day on which these rules come into effect, all previous Hazára Forest Rules will be cancelled.

Cancelment of the old rules.

30. The forest seignorage rates sanctioned in letter from Secretary to Government of the Punjab, to Secretary to Financial Commissioner, No. 740, dated 21st November 1870, will continue to be enforced till further orders.

GENERAL.

The 3rd January 1872.

No. 12*G*.—The under-mentioned Officers of the Commission of the Hyderabad Assigned Districts have passed the examination prescribed for Civil Officers as specified below :—

Higher Standard.

Mr. A. J. Dunlop, Officiating Assistant Commissioner, 3rd Class, in law,—with credit.

Messrs. H. S. Nicholetts, Assistant Commissioner, 2nd Class, and Tajudeen Hossein, Assistant Commissioner, 2nd Class,—in vernacular only.

Lower Standard.

Mr. H. B. Knowlys, Assistant Commissioner, 3rd Class,—has to appear again in the vernacular.

The 5th January 1872.

No. 20*G.*—LEAVE.—Captain F. P. Luard, 3rd Assistant to the Agent to the Governor General for Central India, is granted privilege leave of absence for thirty days from the date in the current month on which he may avail himself thereof.

No. 22*G.*—APPOINTMENTS.—His Excellency the Viceroy and Governor General in Council is pleased to make the following appointments in the 2nd Regiment of the Central India Horse:—

Major J. D. Hall, 3rd Squadron Officer, to be 2nd Squadron Officer, *vice* Major C. James.

Captain J. Colledge, 1st Squadron Subaltern, to be 3rd Squadron Officer, *vice* Major Hall.

Lieutenant M. G. Gerard, 2nd Squadron Subaltern, to be 1st Squadron Subaltern, *vice* Captain Colledge.

Lieutenant H. A. Vincent, Officiating 1st Squadron Subaltern, and Officiating 3rd Squadron Officer of the 1st Regiment, Central India Horse, to be 2nd Squadron Subaltern of the 2nd Regiment, Central India Horse, *vice* Lieutenant Gerard.

No. 25*G.*—The services of Captain A. F. Taylor, late Adjutant of the Malwa Bheel Corps, are, at his own instance, replaced at the disposal of the Military Department.

C. U. AITCHISON,
Secretary to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 30th December 1871.

No. 3456.—Mr. G. Fitzgerald, Officiating Deputy Accountant General, Madras, availed himself, on the afternoon of the 30th ultimo, of the privilege leave granted to him on that day.

Mr. E. S. Byrne is appointed to officiate in the Second Class of the Financial Department, with effect from the 1st instant.

LEAVE AND ALLOWANCES.

The 30th December 1871.

No. 3463.—The Governor General in Council is pleased to direct the substitution of the following rule for Rules 1 and 2 under Section XIX, Covenanted Civil Service Leave Code:—

Before privilege leave can be granted to an officer, he must record a declaration that he has no intention of taking, within three months of his return to duty, furlough, special leave, or leave on medical certificate. Though not absolutely debarred by this declaration from taking such leave, he will be expected, if he applies for it, to explain fully his change of intention.

This rule applies generally.

MINT AND CURRENCY.

The 30th December 1871.

No. 3427.—The following Accounts of the Government Paper Currency Department for the year 1870-71, or from April 1870 to March 1871, with their Appendices, are published for general information :—

Account of the Profits of the Currency Note Circulation, and of the Charges and Expenses incidental thereto, during the year 1870-71, *or from April* 1870 *to March* 1871, *prepared in conformity with Section* 15, *Act XIX,* 1861.

Dr. *Cr.*

Charges and Expenses.	Rs.	A.	P.	*Profits.*	Rs.	A.	P.
Salaries of Commissioners and Assistant Commissioners, &c....	60,373	12	4	Interest on Government Securities	14,90,387	11	3
Establishment	1,38,525	1	8	Miscellaneous Receipts ...	3,479	15	6
Temporary Establishment ...	2,812	1	3				
Contingencies	17,140	1	4				
Travelling Allowances ...	.....						
Stationery	1,499	0	3				
Printing Charges	3,259	0	9				
Service Telegrams	90	0	0				
Purchase of Service Stamps ...	120	12	0				
Official Postage ...	265	14	8				
House, Lighting, Police and Water Rates	5,850	0	0				
Commission, &c., paid for selling and purchasing Government Securities	11,501	10	0				
Cost of Currency Note Forms ...	90,002	13	4				
Cost of a Spiller's Patent Punch	1,065	8	0				
Charges incurred in the Public Works Department for repairing, &c., the Currency Office Building, Calcutta ...	3,725	6	0				
	3,36,231	1	7				
Profit of Note Circulation for the year 1870-71	11,57,636	9	2				
	14,93,867	10	9		14,93,867	10	9

E. E.

HUGH SANDEMAN,

Offg. Comptroller General.

Statement No. 1, *showing the Assets and Liabilities of the Currency Department on the* 31*st March* 1871.

	Rs.	A.	P.		Rs.	A.	P.
Notes in Circulation on the 31st March 1871	10,43,72,910	0	0	Silver Coin Reserve on 31st March 1871	6,45,76,517	0	0
				Gold Bullion Reserve on 31st March 1871	72,525	0	0
				Silver Bullion Reserve on 31st March 1871	55,73,859	0	0
				Government Securities Reserve on 31st March 1871 ...	3,22,72,009	0	0
				Draft Account	18,78,000	0	0
	10,43,72,910	0	0		10,43,72,910	0	0

E. E.

HUGH SANDEMAN,

Offg. Comptroller General.

Statement No. 2, showing the Valuation of the Government Securities held by the Currency Department on the 31st March 1871.

Description of the Government Securities.	Nominal Account.	Value on Books of Currency Department.	Equivalent Rate of Column 2.	Market Rates on 31st March 1871.	Market Value.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
4 Per Cent. Loan of 1st May 1865	3,17,83,300 0 0	3,00,21,538 13 0	94 7 4	98 4 0	3,12,27,092 4 0
5 Per Cent. Loan of 1856-57	22,47,600 0 0	22,50,470 1 0	100 2 0	106 8 0	23,93,694 0 0
	3,40,30,900 0 0	3,22,72,008 14 0	...	...	3,36,20,786 4 0

E. E.

HUGH SANDEMAN,

Offg. Comptroller General.

Statement No. 3, General Statement of Receipts and Charges of the Currency Department from the year 1861-62.

Year.	Receipts.	Charges.	Excess Receipts.	Excess Charges.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1861-62	..	5,885 5 10	...	5,885 5 10
1862-63	1,52,316 10 2	5,30,812 8 10	...	3,78,495 14 8
1863-64	3,27,731 5 4	3,65,408 10 4	...	37,677 5 0
1864-65	16,54,979 0 8	3,96,594 6 11	12,58,384 9 9	
1865-66	16,78,391 10 6	8,45,092 5 9	8,33,299 4 9	
1866-67	16,62,849 10 11	9,92,303 2 9	6,70,546 8 2	
1867-68	13,45,815 4 8	3,09,306 6 7	10,36,508 14 1	
1868-69	14,86,972 11 8	7,60,938 11 0	7,26,034 0 8	
1869-70	16,67,871 9 0	2,89,860 3 4	13,78,011 5 8	
1870-71	14,93,867 10 9	3,36,231 1 7	11,57,636 9 2	
	1,14,70,795 9 8	48,32,432 14 11	70,60,421 4 3	4,22,058 9 6
	Net Excess of Receipts ...		66,38,362 10 9	

E. E.

HUGH SANDEMAN,

Offg. Comptroller General.

MEMORANDUM.

	Rs. A. P.
Interest accrued but not realized on 31st March 1871	5,38,883 5 4
Charges due but not paid on 31st March 1871	18,095 4 4
	5,20,788 1 0

APPENDIX A.

Receipts.	Calcutta.	Madras.	Bombay.		Total.
			Bombay.	Akola.	
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Interest on Government Securities	14,90,387 11 3	...	...	...	14,90,387 11 3
Miscellaneous Receipts ...	3,295 0 0	...	180 15 6	4 0 0	3,479 15 6
	14,93,682 11 3	...	180 15 6	4 0 0	14,93,867 10 9

APPENDIX B.

	Calcutta.			Madras.					Bombay.					Total.
	Calcutta.	Allahabad	Lahore.	Madras.	Vizagapatam.	Trichinopoly.	Calicut.	Total.	Bombay.	Kurrachee.	Nagpore	Akola.	Total.	
	Rs. A. P	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Salaries of Commissioners and Assistant Commissioners, &c.	21,600 0 0	5,817 4 11	5,999 4 4	...	1,200 0 0	1,200 0 0	1,200 0 0	3,600 0 0	20,935 0 0	1,200 0 0	...	1,222 3 1	23,357 3 1	60,373 12 4
Establishment	39,658 12 3	8,214 11 8	6,321 5 4	15,095 8 3	2,808 0 0	2,918 7 10	2,829 6 6	23,641 6 7	47,633 4 7	4,033 4 5	5,917 12 10	3,104 8 0	60,688 13 10	1,38,525 1 8
Temporary Establishment ...	2,812 1 3	...	...	...	...	...	...	...	...	...	...	...	...	2,812 1 3
Contingencies	1,183 10 1	1,473 0 9	1,321 13 1	1,433 6 2	395 10 6	2,222 7 3	517 4 8	4,568 12 7	6,178 12 7	688 15 8	1,322 1 11	402 14 8	8,592 12 10	17,140 1 4
Travelling Allowances ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Stationery	A 574 4 9	...	...	924 11 6	...	...	...	924 11 6	...	...	...	...	...	1,499 0 3
Printing Charges	B 1,132 5 3	...	...	937 8 3	...	...	...	937 8 3	1,199 3 3	...	...	...	1,189 3 3	3,259 0 9
Service Telegrams	90 0 0	...	...	...	...	...	...	...	...	...	...	...	...	90 0 0
Purchase of Service Stamps ...	36 12 0	...	84 0 0	...	...	...	...	...	...	...	...	...	...	120 12 0
Official Postage	64 6 8	...	...	201 8 0	...	...	...	201 8 0	...	...	...	...	...	265 14 8
House, Lighting, Police and Water Rates	5,850 0 0	...	...	...	...	...	...	...	...	...	...	...	...	5,850 0 0
Commission, &c., paid for selling and purchasing Government Securities	11,501 10 0	...	...	...	...	...	...	...	...	...	...	...	...	11,501 10 0
Cost of Currency Note Forms ...	41,394 7 4	...	...	15,119 11 4	...	...	...	15,119 11 4	33,498 10 8	...	...	...	33,498 10 8	90,002 13 4
Cost of a Spiller's Patent Punch	1,065 8 0	...	...	...	...	...	...	...	...	...	...	...	...	1,065 8 0
Charges incurred in the Public Works Department for repairing, &c., the Currency Office Building	3,725 6 0	...	...	...	...	...	...	...	...	...	...	...	...	3,725 6 0
	1,30,679 3 7	15,505 1 4	13,726 6 9	33,702 5 6	4,403 10 6	6,340 15 1	4,546 11 2	48,993 10 3	1,09,434 15 1	5,922 4 1	7,239 14 9	4,729 9 9	1,27,326 11 8	3,36,231 1 7

A. As per Statement furnished by Officiating Superintendent of Stationery.
B. As per Accounts of Government Press.

The 5th January 1872.

No. 50.—Lieutenant Colonel J. F. Tennant received charge of the Office of Mint Master, Calcutta, from Surgeon Major J. F. Shekleton, and Dr. Shekleton received charge of the Office of Assay Master of the Calcutta Mint from Surgeon H. E. Busteed, on the forenoon of the 26th ultimo.

R. B. CHAPMAN,

Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 2nd January 1872.

No. 1 *of* 1872.—*Addendum.*—Under the authority of the Right Hon'ble the Secretary of State for India, the following addition is made to Clause IX of the Furlough Regulations published in G. G. O. No. 1064, dated 10th November 1868 :—after the words "intervals of six years," in the sixth line, insert the words, "*and so on up to the maximum hereafter prescribed.*"

Clause XV will hereafter be as follows :—

"XV.—If the aggregate of two years' furlough is exceeded, whether on medical certificate or private affairs, the officer will vacate his appointment and be restricted to English furlough pay.

Order books to be corrected accordingly.

The 3rd January 1872.

No. 2 *of* 1872.—The under-mentioned Officer of the Staff Corps having completed five years' service as substantive Lieutenant Colonel, is promoted to the rank of Colonel by Brevet, from the date specified, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval :—

Lieutenant Colonel James Dawson MacDonald, Bengal Staff Corps,—31st December 1871.

The 4th January 1872.

No. 3 *of* 1872.—Captain C. Hunter, 3rd Class Commissary of Ordnance, having returned from furlough to Europe, is promoted to officiate as 2nd Class Commissary of Ordnance, with effect from the 18th December 1871, from which date Captain F. V. Eyre, acting in that grade, will revert to his proper place in the Department.

No. 4 *of* 1872.—The following promotions are made in the Warrant Grades of the Army Commissariat Department :—

RANK AND NAME.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN SUCCESSION TO WHOM.
Permanent.			
Conductor Charles Owens ...	Deputy Assistant Commissary.	Oct. 25, 1871	Deputy Assistant Commissary and Honorary Ensign Cheers, transferred to the Pension Establishment.
Sub-Conductor and Officiating Conductor James Ready.	Conductor ...	Ditto ...	
Serjeant and Officiating Sub-Conductor William Arnold.	Sub-Conductor ...	Ditto ...	
Temporary.			
Sub-Conductor John Hailes Moe ...	Officiating Conductor.	Ditto ...	Offg. Conductor James Ready, confirmed in that grade.
Serjeant Frederick Moore ...	Officiating Sub-Conductor.	Ditto ...	Offg. Sub-Conductor William Arnold, confirmed in that grade.

No. 5 *of* 1872.—The departure for Europe of the under-mentioned Officer has been reported on the date specified :—

Lieutenant Colonel W. Weldon, of the Madras Staff Corps, G. G. O. No. 1041 of 1871,—25th November 1871, from Bombay.

No. 6 *of* 1872.—The under-mentioned Officers have reported their return from England:—

Captain F. J. N. Mackenzie, of the Bengal Staff Corps, Staff Officer, Punjab Frontier Force,—date of arrival at Bombay, 12th November 1871 (date of departure on furlough, 13th November 1869).

Lieutenant Colonel E. Davidson, of the Royal Engineers,—date of arrival at Fort William, 22nd December 1871.

No. 7 *of* 1872.—Native Medical Pupil Abdool Razak, No. 226, admitted into the service in G. G. O. No. 916, dated 20th October 1871, having refused duty and absented himself without leave, is dismissed the service, with effect from the 15th November 1871.

No. 8 *of* 1872.—The admission of Lieutenant G. Alexander, of the 76th Foot, to the Bengal Staff Corps, notified in G. G. O. No. 805 of 1871, will be held to have effect from the 27th November 1868, instead of the date previously notified.

No. 9 *of* 1872.—The under-mentioned out-pensioner of the Royal Hospital at Chelsea having been permitted to reside and draw his stipend in India, payment of pension is to be made and charged accordingly:—

Serjeant John Reed, late of the 104th Foot,—rate of pension per diem, 2*s.* (two shillings) from the date he ceases to receive regimental pay or allowance.

No. 10 *of* 1872.—The under-mentioned Officer has reported his departure for Europe on the date specified:—

Captain (Brevet Major) E. C. S. Williams, of the Royal Engineers, G. G. O. No. 931 of 1871,—per "*Columbian*," 16th December 1871, from Bombay.

The 5th January 1872.

No. 11 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE,—*4th Punjab Cavalry.*

Lieutenant E. A. Money, 1st Squadron Subaltern, to officiate as 2nd Squadron Officer, in addition to his other duties, during the period Captain T. O. Underwood may officiate as 2nd in Command and Squadron Officer, or until further orders, *vice* Captain R. P. Blake proceeded on furlough to Europe.

Lieutenant E. Lloyd, 2nd Squadron Subaltern, on probation, to officiate as 3rd Squadron Officer, in addition to his other duties, during the absence on furlough to Europe of Captain R. P. Blake, or until further orders, *vice* Lieutenant Money.

4th Punjab Infantry.

Ensign T. J. O'D. Renny, of the 36th Foot, a candidate for the Bengal Staff Corps, to be 2nd Wing Subaltern on probation, *vice* Lieutenant A. I. Shepherd appointed Adjutant.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 2nd January 1872.

No. 1.—Mr. W. J. Galway is appointed to the Public Works Department as an Executive Engineer of the 1st Grade and posted to the Punjab Northern (State) Railway.

No. 2.—Mr. W. J. Haskis is appointed to the Public Works Department as Engineer Apprentice and posted to the Indus Valley Railway.

No. 3.—The following Notification of the Government of India in the Financial Department is republished for information and guidance in the Public Works Department :—

No. 2876, *dated Fort William, 8th December* 1871.

In continuation of the order of this Department, No. 4252, dated the 26th October 1869, the Governor General in Council is pleased to decide that under the order No. 1131 of the 15th June 1869 therein referred to, a Military Officer in Civil employ on a consolidated pay is entitled to the same allowance during subsidiary leave granted to him before or after furlough under Section XI of the Military Furlough Regulations of 10th November 1868 as during the furlough itself; and that the allowances of a Military Officer in Civil employ on a staff salary during preparatory leave before or after furlough of any kind shall be regulated by the order of this Department, No. 3205, dated the 22nd October 1868.

No. 4.—Mr. W. H. D. Duval is appointed to the Public Works Department as a Storekeeper, 2nd Grade, and posted to the Indus Valley (State) Railway.

No. 5.—Lieutenant W. I. LeBreton, Bombay Staff Corps, Officiating Deputy Controller, North-Western Provinces, and Deputy Controller, Bombay, is permanently posted to that Province, *vice* Duncan.

No. 6.—Mr. F. Barnes, Officiating Deputy Controller, Punjab, is confirmed in that appointment, with effect from the 14th November 1871, to complete Establishments.

No. 7.—Mr. J. A. Ryan, Accountant, 3rd Grade, Ajmere and Sambhur Division, Rajpootana (State) Railway, is granted one month's privilege leave from such date as he may avail himself of it.

The 3rd January 1872.

No. 8.—Serjeant T. Moore, Overseer, 1st Grade, attached to the Indus Valley (State) Railway, is remanded to Military duty.

No. 9.—Mr. P. Heyward, Accountant, 1st Grade, having reported his return from leave on medical certificate on the forenoon of the 19th December 1871, is re-attached to the Office of the Accountant General, Public Works Department.

The 4th January 1872.

No. 10.—Mr. G. H. R. Deverell is appointed to the Public Works Department as an Assistant Engineer of the 3rd Grade on probation, and posted to the Punjab Northern (State) Railway.

No. 11.—Mr. W. W. Clarke, Executive Engineer, 1st Grade, is transferred temporarily from the North-Western Provinces to Rajpootana.

The 5th January 1872.

No. 12.—Serjeant J. Troup, Supervisor, 2nd Grade, is transferred from the Punjab Northern Railway to the Indus Valley (State) Railway.

No. 13.—Troyloko Nath Haldar, Accountant, 4th Grade, employed in the Office of the Auditor of the Oudh and Rohilkund Railway Accounts, is granted two months' leave on medical certificate, with effect from the 5th December 1871.

C. H. DICKENS, *Colonel, R.A.,*

Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 6, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

BANK OF BENGAL.

NOTICE.

Calcutta, the 29th December 1871.

Notice is hereby given that the Transfer Books of the Bank will be closed from the 2nd to the 15th January 1872, both days inclusive.

By order of the Directors,

GEO DICKSON,

Secretary and Treasurer.

REVENUE SURVEY DEPARTMENT.

NOTIFICATION

Calcutta, the 27th December 1871.

No. 24 —The transfer of Mr. Thomas Wilfred Reilly, Assistant Surveyor, 1st Grade, from the 1st to the 4th Division, Central Provinces, is to have effect from the 1st December, instead of from the 1st November 1871, as directed in Notification No. 6, dated 7th October last.

D C VANRENEN, *Colonel, R.A.,*

Supdt. of Revenue Surveys, Upper Circle

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have passed the First Examination in Arts :—

FIRST DIVISION.

In order of merit.

1	Táraprasanna Sen	...	Presidency College.
2	Prasannakumar Lahiri	...	Ditto.
3	Sarveswar Bhattacharyya	...	Ditto.
4	T. A. Rambart	...	Teacher, Mussoorie School.
5	Nagendranáth Ghosh	...	Presidency College.
6	W. C. Horst	..	Mussoorie School.
	Báradaprasad Ghosh	...	Kishnaghur College.
8	Purnachandra Datta	...	Presidency College.
	H. M. Percival	...	Dacca College.
10	Ramlál Datta	...	Hooghly College.
11	Kshetramohan Mukhopadhyay	...	Presidency College.
12	Nistaran Bandyopadhyay	...	Ditto.
13	Rámaprasanna Ghosh	...	Ditto.
14	Navinchandra Dás	...	Ditto.
	Narendranáth Sarkar	...	Ditto.
16	Anandagopál Guin	...	Kishnaghur College.
	Adityachandra Sen	...	Presidency College.
18	Bhagaván Dás	...	Bareilly College.
19	Rámnarayan Datta	...	Hooghly College.
20	Prayagnáth	...	Patna College.
21	Apurvákrishna Ghosh	...	Cathedral Mission College.
	Nagendrakrishna Ghosh	...	General Assembly's Institution.
23	Tripuracharan Bandyopádhyay	...	Presidency College.
	Umanáth Ghoshal	...	Kishnaghur College.
25	Rajkumár Sen	...	Ex-Student, Dacca College.
26	Adityakumár Chattopádhyay	...	Presidency College.
27	Harimohan Sur	...	Hooghly College.

SECOND DIVISION.

In Alphabetical order.

	Ahmed Hosen Khan	...	Bareilly College.
	Bandyopádhyay, Krishnachandra	...	Queen's College, Benares.
	„ Maheschandra	...	Presidency College.
	„ Navinkrishna	...	Ditto.
	Basu, Amvikacharan	...	Ditto.
	„ Banawarilal	...	Kishnaghur College.
	„ Pramathanáth	...	Presidency College.
	„ Prandhan	...	Cathedral Mission College.
	„ Saradaprasad	...	Presidency College.
10	Bhattacharyya, Jaganmohan	...	Calcutta Free Church Institution.
	„ Kedarnáth	...	Hooghly College.
	„ Makundachandra	.	Kishnaghur College.
	„ Nakuleswar	...	Sanskrit College.
	Chakravarti, Bisveswar	..	Kishnaghur College.
	„ Girischandra	...	Berhampore College.
	Chandra, Dinanáth	...	Hooghly College.
	Chattopádhyay, Bhagavaticharan	...	Cuttack School.
	„ Bipracharan	...	Ditto.
	„ Manmathanáth	...	Presidency College.
20	„ Pramathanáth	...	General Assembly's Institution.
	Chaudhuri, Girischandra	...	Presidency College.
	„ Purnachandra	...	Ditto.
	Dás, Balaram	...	Cuttack School.
	„ Hemchandra	...	L. M. S. Institution, Bhowanipore.
	„ Manmohan	...	Presidency College.
	Datta, Lalvihári	...	Cathedral Mission College.
	„ Manmohan	...	Presidency College.
	David H.	...	Joynarain's College.

	Dé, Amvikacharan	Saugor High School.
30	„ Devsankar	Calcutta F. C. Institution.
	„ Jugalkisor	Hooghly College.
	„ Kálikumár	Cathedral Mission College.
	„ Paresnáth	Presidency College.
	Dhár, Gokulchandra	Ditto.
	Durgaprasad	Patna College.
	Ezad Baksh	Hooghly College.
	Fazl Rusul	Bareilly College.
	Fry, J.	St. Thomas' College.
	Gaindunlál	Bareilly College.
40	Gangopádhyay, Piyarilál	Kishnaghur College.
	„ Rajaninath	Dacca College.
	Ghosh, Atulkrishna	Presidency College.
	Goswami, Saratchandra	Ditto.
	Guha, Saradaprasanna	Ditto.
	Guptá, Navinkrishna	Sanskrit College.
	Hajra, Aghorchandra	Presidency College.
	Krishnadás	Queen's College, Benares.
	Lahiri, Jadavchandra	Presidency College.
	„ Krishnalál	Joynarain's College.
50	Manickchandra	Gowhatty High School.
	Matilál, Surendranáth	Presidency College.
	Mizazilál	Agra College.
	Mukhopádhyay, Benadvihári	Presidency College.
	„ Harendranáth	Kishnaghur College.
	„ Jogendranáth	Presidency College.
	„ Jogendranáth	Kishnaghur College.
	„ Karunasindhu	Presidency College.
	„ Mahendranáth	Ditto.
	„ Manmathanáth	Hooghly College.
60	Nandkisor	Delhi College.
	Niogi, Trailokyamohan	Presidency College.
	Pál, Haridás	Kishnaghur College.
	„ Nanigopál	Presidency College.
	Pundit Ramnarayan Tunkhwah	Canning College, Lucknow.
	„ Suryyanarayan	Ditto.
	Patnaek, Chaturbhuj	Cuttack High School.
	Prayagsing	Queen's College, Benares.
	Ray, Jogeschandra	Presidency College.
	„ Kedarnath, I.	Ditto.
70	„ Madusudan	Cuttack High School.
	Rout, J. S.	Ditto.
	Saha, Sivnath	Presidency College.
	Sanyal, Kedarnath	Berhampore College.
	Sarkar, Natavar	Presidency College.
	„ Purnachandra	Cathedral Mission College.
	Sarma, Kasinath	Gowhatty High School.
	„ Navinchandra	Presidency College.
	Sen, Rajanikanta	Ditto.
	Sinha, Banawarilal	Hooghly College.
80	„ Harimohan	Presidency College.
	„ Matilal	Ditto.
	Smith, H.	St. Xavier's College.
	Sriram	Canning College, Lucknow.
	Tiwari, Dindayal	Presidency College.
85	Vindheswariprasad	Queen's College, Benares.

THIRD DIVISION.

In Alphabetical Order.

Akhyat, Saradakumar	Patna College.
Baksi, Bankavihari	Kishnaghur College.
Bandyopadhyay, Amritalal	Calcutta F. C. Institution.
„ Jayram	Ex-Student, Hooghly College.
„ Kedarnath	Presidency College.
„ Mahendranath	Berhampore College.
„ Srinath	Calcutta F. C. Institution.
„ Umeschandra	Patna College.

	Basu, Brajalal	Hooghly College.
10	„ Mahimchandra	Dacca College.
	„ Pulinvihari	Cathedral Mission College
	„ Upendranath	Calcutta F. C. Institution.
	Bhaduri, Hiralal	Joynarain's College, Benares.
	Bhattacharyya, Rajkumar	Calcutta F. C. Institution.
	Chattopadhyay, Banamali	L. M. S. Institution, Bhowanipore.
	„ Benimadhav	Presidency College.
	„ Harinath	Patna College.
	„ Mahendranath	Calcutta F. C. Institution.
	„ Makshadaprasad	Cathedral Mission College.
20	„ Srinath	Calcutta F. C. Institution.
	Chel, Rasvihari	Presidency College.
	Dán, Mahendranath	Ditto.
	Dás, Biswambhar	Presidency College.
	„ Khiradchandra	Chittagong High School.
	Datta, Girischandra	Cathedral Mission College.
	„ Mathura	Bareilly College.
	„ Nilkantha	Patna College.
	„ Rajendramohan	Dacca College.
	Dayaram	Lahore College.
30	De, Rajendralal	Presidency College.
	Dhar, Netralal	Cathedral Mission College.
	Edwards, C. N.	St. Thomas' College.
	Ganesilal	Delhi College.
	Ghosh, Haridas	Hooghly College.
	„ Kalikisor	Dacca College.
	„ Lalvihari	Hooghly College.
	„ Nivarankumar	Cathedral Mission College.
	„ Purnachandra	Serampore College.
	„ Ramanath	L. M. S. Institution, Bhowanipore.
40	„ Sasibhushan	Kishnaghur College.
	„ Trailokyanath	Hooghly College.
	Guha, Basantakumar	Cathedral Mission College.
	Gupta, Asutosh	Hooghly College.
	Kar, Haridas	Calcutta F. C. Institution.
	Lahiri, Asutosh	Presidency College.
	Majumdar, Amvikacharan	Ditto.
	„ Lalitchandra	Dacca College.
	Mallik, Lakshminarayan	Kishnaghur College.
	Mitra, Binadvihari	Presidency College.
50	Mohanlal, I.	Agra College.
	Mukhopadhyay, Aghornath	Cathedral Mission College.
	„ Amritalal	Ditto.
	„ Amvikacharan	Serampore College.
	„ Bholanath	Patna College.
	„ Gopalchandra	Presidency College.
	„ Gopalchandra	Calcutta F. C. Institution.
	„ Hemchandra	General Assembly's Institution.
	„ Kalidas	Kishnaghur College.
	„ Kumadinikanta	Dacca College.
60	„ Panchanan	Presidency College.
	„ Purnachandra	Canning College, Lucknow.
	„ Ramgopal	Hooghly College.
	„ Sitanath	Presidency College.
	„ Upendranath	Sanskrit College.
	Nág, Rakhaldas	Hooghly College.
	Nakhray, Ganpatrao	Saugor High School.
	Niogi, Govindachandra	Calcutta F. C. Institution.
	Páin, Radharaman	Presidency College.
	Pálit, Umeschandra	Hooghly College.
70	Pandit, Moharajnarayan	Delhi College.
	Perroux, C. E.	St. Xavier's College.
	Prasadilal	Bareilly College.
	Ray, Avinaschandra	Kishnaghur College.
	„ Benimadhav	Hooghly College.
	„ Brajanath	General Assembly's Institution.
	„ Girischandra	Cathedral Mission College.

	Ray, Kalinath	... Cathedral Mission College.
	„ Lala Pitam	... Canning College, Lucknow.
	„ Manmohan	... Berhampore College.
80	„ Matilal	... Hooghly College.
	„ Ramlal	... Serampore College.
	„ Revatiraman	... Dacca College.
	Ray Chaudhuri, Prabhaschandra	... Kishnaghur College.
	Samajpati, Gopalchandra	... Ditto.
	Sarkar, Bholanath	... Hooghly College.
	„ Ramdas	... Kishnaghur College.
	Sasidhar	... Gowhatty High School.
	Sen, Kalikumar	... Kishnaghur College.
	Sheori, Lachman Rao	... Saugor High School.
	Sinha, Kánáilál	... Patna College.
	„ Radhikaprasad	... Serampore College.
92	Young, W.	... Teacher.

The under-mentioned Students have passed the Entrance Examination :—

FIRST DIVISION.

In Alphabetical Order.

	Abdul Hakám	... Calcutta Mudrissa.
	Aiyer, T. A. A.	... St. Xavier's College.
	Akhileswarprasad	... Patna Collegiate School.
	Annylál	... Hurdui Zillah School.
	Ash, Matilál	... General Assembly's Institution.
	Baktavarlál	... Bareilly Collegiate School.
	Bandyopadhyay, Bhagavaticharan	... Dacca Collegiate School.
	„ Bijaykrishna	... Hooghly Collegiate School.
	„ Ganeschandra	... Canning College, Lucknow.
10	„ Girijápada	... Howrah School.
	„ Krishnachandra	... Harinavi A. S. School.
	„ Mahendranáth	... Hare School.
	„ Mahendranáth	... Howrah School.
	„ Matilál	... Ooterparah School.
	„ Nandagopál	... Hare School.
	„ Rákhaldás	... Calcutta Free Church Institution.
	Bansgopal	... Fyzabad High School.
	Basu, Anantakumár	... Hindu School.
	„ Annadaprasad	... L. M. S. Institution, Bhowanipore.
20	„ Baradadás	... Hare School.
	„ Devendranáth	... Hindu School.
	„ Durgadás	... Ditto.
	„ Harakumar	... Dacca Collegiate School.
	„ Ishwarchandra	... Ditto.
	„ Mahinimohan	... Ditto.
	„ Narendranáth	... Hindu School.
	„ Narendranáth	... Hooghly Branch School.
	„ Pramathanáth	... Kishnaghur Collegiate School.
	„ Umeschandra	... Calcutta Free Church Institution.
30	Bhattacharyya, Chandrasekhar (I)	.. Burdwan Moharaja's School.
	„ Haraprasad	.. Sanskrit College.
	„ Jogendranáth (Senior)	... Calcutta Free Church Institution.
	Biswas, Mahendranáth	... Hare School.
	Boilard, E.	... St. Xavier's College.
	Brijvallabh	... Jeypore Moharaja's College.
	Campbell, R. L.	... Mussoorie School.
	Chakravarti, Navakumár	... Pogose School.
	Chattopádhyáy, Govindachandra	... Ooterparah School.
	„ Gurudás	... Sanskrit College.
40	„ Kedarnáth	... Andool School.
	„ Kuschandra	... Bhagulpore School.
	„ Paresnáth	... Metropolitan Institution.
	„ Saratchandra (Senior)	... Konnugger School.
	Chiodetto, A.	... St. Xavier's College.

	Dás, Rajkisan	General Assembly's Institution.
	„ Surendranáth	Sanskrit College.
	„ Táraprasanna	Commillah School.
	Datta, Bhagavánchandra	Pogose School.
	„ Bijaykrishna	Oriental Seminary.
50	„ Dvijadás	Pogose School.
	„ Khiradkumar	Hindu School.
	„ Maheschandra	Hare School.
	„ Mahinimohan	Mirzapore Mission School.
	„ Manmathanáth	Hare School.
	„ Purnáchandra	General Assembly's Institution.
	De, Panchkari	Metropolitan Institution.
	„ Prasannakumár	Hindu School.
	Dhar, Mathuranáth	Furreedpore School.
	Dharmananda	Bareilly Collegiate School.
60	Durgaprasad	Saugor High School.
	Ewing, H.	La Martiniere College.
	Ganesprasad	Queen's College, Benares.
	Gangopádhyáy, Hariprasad	Hooghly Collegiate School.
	„ Hiralál	Barrackpore School.
	Genoe, C. A. C.	Mussoorie School.
	Ghosh, Asutosh	L. M. S. School, Khagra.
	„ Chandidás	Hindu School.
	„ Ganeschandra	Harinavi A. S. School.
	„ Gnanendrachandra	Hindu School.
70	„ Jadavchandra	Mymensing School.
	„ Jadunáth	Berhampore Collegiate School.
	„ Kálipada	Hindu School.
	„ Priyanáth	L. M. S. Institution, Bhowanipore.
	„ Saradaprasad	Hindu School.
	„ Syamapada	Ooterparah School.
	Gupta, Bipinvihári	Hooghly Collegiate School.
	„ Hiralál	Hare School.
	„ Saratchandra	Sanskrit College.
	Gyaprasad	Hume's High School, Etawah.
80	Háldár, Nitáicharan	Hindu School.
	Hunter, J. A.	St. Thomas' College.
	Ishvardás	Rawulpindee Mission School.
	Janakiprasad	Lukhimpore School.
	Lachmandás	Rawulpindee Mission School.
	Lachmanprasad	Hurdui Zillah School.
	Mack, E. J.	Colombo Academy.
	Maitra, Kasináth	L. M. S. Institution, Bhowanipore.
	Majumdár, Chandicharan	Queen's College, Benares.
	Misra, Ramsankar	Ditto.
90	Mitra, Amvikacharan	Hooghly Branch School.
	„ Girindranáth	General Assembly's Institution.
	„ Jogendrachandra	Hindu School.
	„ Mádhavchandra	Sanskrit College.
	„ Saratchandra	Hindu School.
	Mohammed Hosen	Canning College, Lucknow.
	Monies, W.	Mussoorie School.
	Mukhopadhyay, Amarchandra	Hooghly Collegiate School.
	„ Bámápada	Dushghura Aided School.
	„ Bihárilál (No. 2)	Kishnaghur Collegiate School.
100	„ Haridás	Metropolitan Institution.
	„ Hirálál	Kandi School.
	„ Jogendrachandra	Hare School.
	„ Kisarimohan	Ooterparah School.
	„ Mahendranáth	Hare School.
	„ Mahendranáth	Canning College, Lucknow.
	„ Pramathanáth	Bhagulpore School.
	„ Rasvihári	Ooterparah School.
	„ Tulsidás	Howrah School.
	Murphy, J. B. C.	Mussoorie School.
10	Nán, Hiralal	Hare School.
	Nandi, Bipracharan	Pogose School.

	Neville, G.	... La Martiniere College, Lucknow.
	O'Donel, H.	... Doveton College.
	Orr, P. P.	... La Martiniere College.
	Pál, Rájchandra	.. Sylhet Government School.
	Pálit, Priyanáth	... Hindu School.
	Pandit, Bishwambharnáth	Delhi Zillah School.
	Parmanand	.. Agra Collegiate School.
	Purvis, G. C.	... Doveton College.
120	Rajak, Bihárilál	... L. M. S. Institution, Bhowanipore.
	Ray, Rangalal	Hooghly Collegiate School.
	„ Shastivar	L. M. S. Institution, Bhowanipore.
	„ Syamaprasad	.. Hare School.
	„ Umaprasad	Ditto.
	Ronaldson, E.	... Doveton College.
	Rudra, Madhusudan	Ooterparah School.
	Sarkar, Bipinvihari	Hare School.
	„ Nagendranáth	. Ditto.
	Sarkies, J. M.	.. Doveton College.
130	Sen, Adharlál	... Hindu School.
	„ Amvikacharan	... Dacca Collegiate School
	„ Bamacharan	... Ditto.
	„ Gadadhar	Patna Collegiate School.
	„ Kalimohan	... Dacca Collegiate School.
	„ Navakrishna	... Burisa Aided School.
	„ Rajkrishna	.. Krishnaghur Collegiate School.
	„ Trigunacharan	. Hare School.
	Shah, Mohommed Azam	Bhagulpore School.
	Sheo Lál	Delhi Zillah School.
140	Sil, Kánáilál	Hindu School.
	Sinha, Brajeschandra	Kandi School.
	„ Rasiklal	.. Hare School.
	Syed Fyzuddin Hosen	Dacca Collegiate School.
	„ Khyrat Ahmed	... Gya School.
	Tarapdar, Chandrakisar	... Mymensing School.
	Toozs, R.	La Martiniere College, Lucknow.
	Townsend, J.	... St. Xavier's College.
148	Trivedi, Mahendranath	... Hooghly Collegiate School.

SECOND DIVISION.

In Alphabetical Order.

	Abdul Alim	... Queen's College, Benares.
	Acharyya, Akshaykumar	... Hindu School.
	Adhikári, Brajalál	.. Bauleah School.
	Adya, Kálidás	... Hare School.
	Amed Beg	St. Stephen's College.
	Alvis, A. W.	... St. Thomas College.
	Angelo, J.	Boys' Orphanage, Shahjehanpore.
	Asgar Ali Ahmed	... Dacca Brahmo School.
	Ashraf Hosen	... Calcutta Mudrissa.
10	Azimuddin Khan	... Bareilly Collegiate School.
	Bágchi, Bijaygovinda	... Berhampore Collegiate School.
	Baksiram Sing	... Fyzabad High School.
	Balmokund	... Lahore Collegiate School.
	Bandyopadhyay, Aghornáth	... Serampore College.
	„ Amvikacharan	. Sodepore School.
	„ Asutosh	... Ilsoba Mondlye School.
	„ Benimadhav	... Kishnaghur Collegiate School.
	„ Bhairavimohan	.. Sanskrit College.
	„ Bholanáth	. Hare School.
20	„ Brajendranáth	... L. M. S. Institution, Bhowanipore.
	„ Gopal Chandra	.. Bhowanipore Union Academy.
	„ Haricharan	... Calcutta F. C. Institution.
	„ Jaganmohan	... Allahabad Zillah School.
	„ Madhavchandra	... Howrah School.
	„ Nanilál	... Burrisa Aided School.
	„ Párvaticharan	... Howrah School.
	„ Satischandra	... Serampore College.

	Bandyopadhyay, Sivchandra	Hindu School.
	„ Suryyakánta	Dacca Collegiate School.
30	Bapu Rao Dada Kinkhare	Nagpore F. C. Institution.
	Barál, Maniklál	Hare School.
	„ Nilmani	Hooghly Branch School.
	Barhamdeonarayn	Mozufferpore School.
	Basu, Amarchandra	Hare School.
	„ Amritalál	General Assembly's Institution.
	„ Atulkrishna	Patna Collegiate School.
	„ Avinaschandra	Hare School.
	„ Chandramohan	Kishnaghur A. V. School.
	„ Harachandra	Dacca Collegiate School.
40	„ Kedarnáth	Konnugger School.
	„ Mahendralál	Calcutta F. C. Institution.
	„ Mahendramohan	Garden Reach School.
	„ Matilál	Cawnpore Zillah School.
	„ Nilmani	Bhastarah School.
	„ Rádhikanáth	Barripore School.
	„ Rájanikánta	L. M. S. School, Khagra.
	„ Thakurdás	Joynarain's College.
	Bhaduri, Prankrishna	Malda School.
	Bhagavan Sing	St. Stephen's College.
50	Bhanja, Jogendrachandra	Hooghly Collegiate School.
	Bhatta, Dwarkánáth	Dacca Collegiate School.
	Bhattacharyya, Baikunthanáth	Jessore School.
	„ Bhavadev	Furreedpore School.
	„ Bisveswar	Dacca Collegiate School.
	„ Girischandra	Kishnaghur A. V. School.
	„ Harimohan	Kishnaghur Collegiate School.
	„ Hemchandra	Baraset School.
	„ Jogendranáth (Junior)	Calcutta F. C. Institution.
	„ Mahendranáth	Ditto.
60	„ Mahinimohan	Jonye Training School.
	„ Matilál	Sanskrit College.
	„ Rajanikánta	L. M. S. Institution, Bhowanipore.
	„ Rámnáth	Patna Collegiate School.
	Bhunya, Gurudás	Midnapore School.
	Bhuramal	Jeypore Moharaja's College.
	Birjvallabh	Agra Collegiate School.
	Birjviharilál	Ditto.
	Bisvas, Priyakrishna	Hooghly Collegiate School.
	Bisveswar Dyal	Oonao Zillah School.
70	Bowers, W. H.	Bengal Academy.
	Brahma, Sivprasad	Cuttack School.
	Budhkarn	Ajmere Collegiate School.
	Chakravarti, Basantakumár	Dacca Brahmo School.
	„ Bhutnáth	Metropolitan Institution.
	„ Damodar	Khanakul Kishnaghur A. S. School.
	„ Durganáth	Santosh Jahnavi School.
	„ Gaganchandra	Chinsurah F. C. Institution.
	„ Harachandra	Mymensing School.
	„ Kalipada	Ditto.
80	„ Pranchandra	Konnugger School.
	„ Rameschandra	Hooghly Branch School.
	„ Ramraman	Serampore College.
	„ Sitalprasad	South Baharoo School.
	„ Sudhindrachandra	Dacca Collegiate School.
	Chandra, Bipinvihari	Beerbhoom School.
	„ Dwarkanáth	Badla Aided School.
	Changdar, Napharchandra	Midnapore School.
	Charat Sing Chahachu	Rawulpindee Mission School.
	Chattopadhyay, Abhayacharan	Fyzabad High School.
90	„ Bagalacharan	Howrah School.
	„ Baradaprasad	Culna Moharaja's School.
	„ Bibhutibhushan	Hooghly Collegiate School.
	„ Binadvihari	Maldah School.
	„ Dwarkanáth	Bancoorah School.
	„ Gopal Lál	Hindu School.

	Chattopadhyay, Jaykrishna	... General Assembly's Institution.
	„ Jogendranáth	... Hooghly Branch School.
	„ Jogendranáth	... Cawnpore Zillah School.
	„ Jwalaprasad	... Canning College, Lucknow.
100	„ Kesavchandra	.. Hooghly Collegiate School.
	„ Prasannakumár	... Nagpore F. C. Institution.
	„ Prasannakumár	... Chinsurah F. C. Institution.
	„ Raghunáth	... Burdwan Maharajah's School.
	„ Saratchandra	. . L. M. S. Institution, Bhowanipore.
	„ Suryyakumár	... Muragatcha School.
	„ Taradás	... Kishnaghur Collegiate School.
	„ Tarapada	... L. M. S. Institution, Bhowanipore.
	Chaudhuri, Amritalál	... Calcutta Training Academy.
	„ Annadaprasad	... Monghyr School.
110	„ Apurvakrishna	... L. M. S. Institution, Bhowanipore.
	„ Jogendrachandra	... Maldah School.
	„ Matilál	... St. Peter's C. M. S. School, Allahabad.
	„ Purnachandra	... Calcutta F. C. Institution.
	Connor, J. A.	... Calcutta Boys' School.
	Damodardás	... Agra Collegiate School.
	Damodardás	... Christ Church School, Cawnpore.
	Dan, Purnachandra	... Konnuggur School.
	Dás, Amarnáth	... Metropolitan Institution.
	„ Bihárilál	... Hooghly Collegiate School.
120	„ Dharmadhar	... Calcutta Training Academy.
	„ Govindaprasad	... Mymensing School.
	„ Harináth	... Commillah School.
	„ Indrakumár	... General Assembly's Institution.
	„ Madanmohan	... Sylhet Government School.
	„ Radhavinad	... Kandi School.
	„ Rameschandra	... Midnapore School.
	„ Sitamohan	... Sylhet Government School.
	„ Sitanáth	... Ditto.
	„ Tarakchandra	... Ranaghat School.
130	Datta, Bhagavaticharan	... Badla Aided School.
	„ Bhuvaneswar	... Cuttack School.
	„ Chandicharan	... Hooghly Collegiate School.
	„ Chandrakánta	... Ooterparah School.
	„ Dinanáth	... Calcutta F. C. Institution.
	„ Dinanáth	... Metropolitan Institution.
	„ Girijabhushan	... General Assembly's Institution.
	„ Gopaldás	. L. M. S. Institution, Bhowanipore.
	„ Haricharan	... Mymensing School.
	„ Hridaynarayan	... Amptah School.
140	„ Kedarnáth	... Bagnan School.
	„ Nrisinhakumar	... Burrisa Aided School.
	„ Phanidhar	... Debroogurh School.
	„ Sasibhusan	... Calcutta F. C. Institution.
	„ Upendrakumar	... South Baharoo School.
	Daulatram	... Umritsur Mission School.
	De, Chandrasekhar	... Hooghly Collegiate School.
	„ Dwarkánáth	... Dacca Collegiate School.
	Devidin	... Hume's High School, Etawah.
	Deviprasad	... Mirzapore Zillah School.
150	Dhan Sing	... Delhi Zillah School.
	Dhar, Bholanáth	... Hindu School.
	„ Bihárilál	... Pogose School.
	„ Kshetralál	... Hindu School.
	Dinesprasad	... Bhaugulpore School.
	Durgaprasad	... Agra Collegiate School.
	Elisha	... Nagpore F. C. Institution.
	Enaet Hosen	... Ajmere Collegiate School.
	Erasmus, J. C.	... St. John's College.
	Gajadharprasad	... Bareilly Collegiate School.
160	Gangopadhyay, Apurvachandra	... Hare School.
	„ Devendranáth	... Kishnaghur Collegiate School.
	„ Jadunáth	... L. M. S. Institution, Bhowanipore.
	„ Phanibhushan	... Chinsurah F. C. Institution.

	Gangopadhyay, Upendranáth	... Metropolitan Institution.
	Ghosh, Amritachandra	... Burrisaul School.
	„ Basantakumár	... Sulkea School.
	„ Durgadás	... Beerbhoom School.
	„ Haranáth	... Burrisaul School.
	„ Heramvachandra	... Hindu School.
170	„ Jogeschandra	... Kandee School.
	„ Kamikhyanáth	.. Metropolitan Institution.
	„ Kasináth	... Harinavi A. S. School.
	„ Khiradchandra	... L. M. S. Institution, Bhowanipore.
	„ Khudiram	... Berhampore Collegiate School.
	„ Kshetragopál	... Saugor High School.
	„ Mahendralál	... L. M. S. Institution, Bhowanipore.
	„ Paresnáth	... Kishnaghur A. V. School.
	„ Ramgopál	... Hooghly Collegiate School.
	„ Ramkalpa	... Luckhimpore School.
180	„ Saradaprasad	... Barrackpore School.
	„ Saratchandra	... Hare School.
	„ Sitanáth	... Oriental Seminary.
	„ Syamacharan	... Calcutta F. C. Institution.
	Ghoshal, Nagendranáth	... Soorool School.
	Gilbert, W. R.	... La Martiniere College, Lucknow.
	Golam, Kaioom	... Hooghly Collegiate School.
	„ Rahaman	... Garden Reach School.
	Goonewardene, W. S. J.	... St. Thomas' College.
	Gosvami, Prasaddás	... Serampore College.
190	Gridharilál, I.	... Delhi Zillah School.
	Grossman, A.	... St. Xavier's College.
	Guha, Manmohan	... Dacca Collegiate School.
	„ Prasannakumár	... Pogose School.
	Gulab Sing	... Bareilly Collegiate School.
	Gupta, Bipinvihári	... Bhagulpore School.
	„ Girindrakumár	... Hazaribaugh School.
	„ Gurucharan Dás	... L. M. S. Institution, Bhowanipore.
	„ Radhaprasanna	... Culna Maharaja's School.
	Hafiz Ali	... Saugor High School.
200	Haldar, Purnachandra	... L. M. S. Institution, Bhowanipore.
	„ Tinkari	... Howrah School.
	Haraprasad	... Luckhimpore School.
	Harising	... Roy Bareilly School.
	Hoyle, J.	... La Martiniere College, Lucknow.
	Jagannáthprasad	... Joynarain's College.
	Jana, Ramraksha	... Midnapore School.
	Jansz, R.	... Colombo Academy.
	Jaynáthpati	... Patna Collegiate School.
	Jeffereis, C. R.	... St. Xavier's College.
210	John, G. M.	... Armenian Philanthropic Academy.
	Jones, Charles	... St. Xavier's School.
	Karmakar, Lakshmanchandra	... Calcutta F. C. Institution.
	Kasirám	... Bareilly Collegiate School.
	Kedárnáth	... Hume's High School, Etawah.
	Kisanlál	... Bareilly Collegiate School.
	Kundanlál	... St. Stephen's College.
	Kundu, Bhagavaticharan	... Hooghly Collegiate School.
	„ Bipinvihári	... Calcutta F C. Institution.
	„ Napharchandra	... Ditto.
220	Kunjvihárilál	... Allahabad Zillah School.
	Lachminarayan	... Hume's High School, Etawah.
	Leonard, H.	... Bishop's School, Simla.
	Lilley, H.	... La Martiniere College, Lucknow.
	Lissant, G.	... La Martiniere College.
	Lister, A.	... Bishop's School, Simla.
	Lumsden, E. R.	... St. Xavier's College.
	Madanmohanlál	... Shahjehanpore School.
	Mahadeoprasad	... Fyzabad High School.
	Mahapatra, Ramkrishna	... Cuttack School.
230	Mahtab Ahmed	... Patna Collegiate School.
	Máiti, Krishnachandra	... Cuttack School

	Maitra, Vishnuchandra	St. Peter's C. M. S. School, Allahabad.
	Majumdár, Janakináth	Dinagepore School.
	„ Kalidás	Kishnaghur Collegiate School.
	„ Naranarayan	Purneah School.
	„ Nilkanta	Midnapore School.
	„ Priyagopal	General Assembly's Institution.
	„ Upendrachandra	Metropolitan Institution.
	Makhanlál, Joel	St. John's College.
240	Makundalál	Agra Collegiate School.
	Manaharlál	Ditto ditto.
	Manirám	Gowhatty High School.
	Matilál	St. John's College.
	Matthew, C.	Bishop's School, Simla.
	Mendies, J. M.	Bengal Academy.
	Milne, T. A.	Doveton College.
	Mitra, Ganeschandra	General Assembly's Institution.
	„ Gopalchandra	Metropolitan Institution.
	„ Khagendranáth	Hare School.
250	„ Krishnakumar	Mymensing School.
	„ Narayanprasad	Cuttack School.
	„ Nityagopal	General Assembly's Institution.
	„ Saratchandra	Agurparah C. M. S. Institution.
	„ Umeschandra	South Baharoo School.
	Mohammed, Azim	Sultanpore School.
	„ Hosen	St. Stephen's College.
	„ Isaq	Hooghly Collegiate School.
	„ Serajal Haq	Monghyr School.
	Moula Baksh	Hurdui Zillah School.
260	Muin-ud-din Ahmed	Calcutta Mudrissa.
	Mukhopadhyay, Adharchandra	Calcutta Training Academy.
	„ Amvikacharan	Arrah School.
	„ Avinaschandra	Hindu School.
	„ Brajendranath	Bhagulpore School.
	„ Hariprasanna	Bullagurh School.
	„ Haripurna	St. Peter's C. M. S. School, Allahabad.
	„ Jaygopal	Jeypore Moharajah's College.
	„ Kalimohan	Badla Aided School.
	„ Kamikshyanath	Jonye Training School.
270	„ Kantichandra	Hare School.
	„ Nanimadhav	Bullagurh Aided School.
	„ Nilkamal	Pogose School.
	„ Prasannachandra	Dacca Collegiate School.
	„ Priyanath	Ooterparah School.
	„ Radhikaprasad	Hare School.
	„ Rajkrishna	St. Peter's C. M. S. School Allahabad.
	„ Rajkumar	Kishnaghur Collegiate School.
	„ Rishivar	Sanskrit College.
	„ Saratchandra	Chinsurah F. C. Institution.
280	„ Trailokshyanath	Lahore Collegiate School.
	Nag, Revatikanta	Pogose School.
	Nandi, Mahendrachandra	Ditto.
	„ Umeschandra	Kishnaghur A. V. School.
	Nolan, T.	St. Peter's College.
	Owen, M.	Doveton College.
	Pal, Adharlal	Seal's Free College.
	„ Kalicharan	Calcutta Free Church Institution.
	„ Nilamvar	Bancoorah School.
	„ Sitalchandra	General Assembly's Institution.
290	„ Tulsicharan	Hindu School.
	Palit, Saratchandra	Hooghly Collegiate School.
	Pandit, Alopiprasad	Delhi Zillah School.
	Pannalal	St. Stephen's College.
	Pragdas	St. John's College.
	Prukait, Purnachandra	Hooghly Collegiate School.
	Radhakisan	Shahjehanpore School.
	Radhilal	Victoria College.
	Raghunathprasad	L. M. High School, Benares.
	Rajjanlal	Allygurh Zillah School.

300	Ramanugrahanarayan	...	Patna Collegiate School.
	Ramdas		Canning College, Lucknow.
	Ramgopal	...	Allahabad Zillah School.
	Ramjimal	...	St. John's College.
	Ramsundarlal	...	Mirzapore Zillah School.
	Ray, Asutosh	...	L. M. S. Institution, Bhowanipore.
	„ Benidas	...	Nizamut School.
	„ Bhairavchandra	..	Dacca Collegiate School.
	„ Bipinvihari	...	Baraset School.
	„ Brajavallabh	...	Mihirpore School.
310	„ Chandrakanta	...	Berhampore Collegiate School.
	„ Gnanadaprasad	...	Kishnaghur Anglo-Vernacular School.
	„ Gopalkrishna	...	Maldah School.
	„ Haricharan	...	Canning College, Lucknow.
	„ Kailaschandra	...	Pogose School.
	„ Kailaschandra	...	Rowile School.
	„ Kedarnath	...	Pogose School.
	„ Makundanath	...	Oriental Seminary.
	„ Mathuraprasad	...	Gazeepore Mission School.
	„ Saradaprasad	...	Kishnaghur Collegiate School.
320	Raza Hosen	..	Bareilly Collegiate School.
	Rockwell, J. W.	...	Boys' Orphanage, Shahjehanpore.
	Rodrigues, J. F.	...	Hooghly Collegiate School.
	Saha, Gopivallabh	...	Metropolitan Institution.
	Sahay, Bhavani	...	Patna Collegiate School.
	„ Rughuvir	...	Oonao Zillah School.
	Samarekoon, J. K. B.	...	St. Thomas' College.
	Sankar, Dyal	...	Agra Collegiate School.
	Sanyal, Jogeschandra	.	Private Student.
	Sarkar, Baradaprasad	...	Bancoorah School.
330	„ Gangagovinda	...	General Assembly's Institution.
	„ Govardhan	...	Hooghly Branch School.
	„ Jagadisvar	...	Kishnaghur Collegiate School.
	„ Matilal	...	Jonye Training School.
	„ Matilal	...	Kishnaghur A. V. School.
	„ Rajendralal	...	Konnugger School.
	„ Suryyakumar	...	Serampore College.
	Sarkies, J. C.	...	St. Paul's School, Darjeeling.
	Sarma, Parusram	...	Debroogurh School.
	Saudagarlal	...	Delhi Zillah School.
340	Scheerder, M. O. C.	...	St. Xavier's College.
	Sen, Achyutananda	...	Mymensing School.
	„ Akshaykumar	...	Hindu School.
	„ Akshaykumar	...	Sulkea School.
	„ Gopalchandra	...	Burrisaul School.
	„ Govindachandra	...	Dacca Brahmo School.
	„ Kailaschandra	...	Pogose School.
	„ Kamalkrishna	...	Dacca Collegiate School.
	„ Lalmohan	...	Hindu School.
	„ Rajanikanta	...	Noakhally School.
350	„ Srikanta	...	Santosh Jahnovi School.
	„ Umeshchandra	...	Burrisaul School.
	Seneviratne, A.	...	St. Thomas' College.
	Set, Mamlal	...	Hare School.
	Sexton, C.	...	St. Peter's College.
	Sinha, Gaurisankar	...	Queen's College, Benares.
	„ Jogendrachandra	...	Hooghly Collegiate School.
	„ Sasibhushan	...	General Assembly's Institution.
	„ Sasibhushan	...	Beersingha A. S. School.
	Sirimanne, D. W.	...	St. Thomas' College
360	Smith, J. C.	...	Mussooree School.
	Srimani, Sasibhushan	...	Metropolitan Institution.
	Stephens, M.	...	Armenian Philanthropic Academy.
	Sukla Tularam	...	Cawnpore Zillah School.
	Surjandas	...	Lahore Collegiate School.
	Syed Ryazat Hosen	...	Bhagulpore School.
	Thakurprasad	...	Queen's College, Benares.
	Thakurprasad	...	Arrah School.

	Tiwari, Ramnarayan	... Christ Church School, Cawnpore.
	„ Sheunarayan	... Hurdui Zillah School.
370	Vishnuchandra	... Queen's College, Benares.
371	Wajeb-ud-din	... Bauleah School.

THIRD DIVISION.

In Alphabetical order.

	Abdul Aziz, Khaja	... St. Stephen's College, Delhi.
	Abdul Haq	... Mozufferpore School.
	Abdur Rahim Khan	... Sulkea School.
	Áchárryya, Kedaresvar	... Dighapatia School.
	Adhikari, Chandra Kanta	... Pubna School.
	Ahmad Ulla	... Chittagong High School.
	Ali Hossain	... L. M. High School, Benares.
	Anantarámchandra Chapekar	... Teacher.
	Arshad Ali	... Govinda Chandra's School, Patna.
10	Bagchi, Maheschandra	... Howrah School.
	„ Mahinimohan	... Santipore English School (old).
	„ Upendranath	... Hindu School.
	Balwant Rao	... Saugor High School.
	Bandyopadhyay, Bidhubhusan	... Beerbhoom School.
	„ Durgacharan	... Allahabad Mission School.
	„ Girischandra	.. Hooghly Collegiate School.
	„ Hariprasanna	... Howrah School.
	„ Hirálál	... Cossipore School.
	„ Jogendranath	... Baraset School.
20	„ Kalinath	... Bancoorah School.
	„ Kedarnath	... Mirzapore Zillah School.
	„ Saratchandra	... Ootterparah School.
	Barál, Bhuvanmohan	... Jessore School.
	Barát, Upendranath	... Hooghly Branch School.
	Barma, Gopalchandra	... Burdwan C. M. S. Institution.
	Basak, Radhikamohan	... Dacca Collegiate School.
	Basu, Asutosh	... Metropolitan Institution.
	„ Bipinchandra	... Cossipore School.
	„ Dinanath	... Jessore School.
30	„ Dwarkanath	... Noral School.
	„ Gopalchandra	... Hajinavi A. S. School.
	„ Grindranath	... Hare School.
	„ Haramohan	... Berhampore Collegiate School.
	„ Jivandhan	.. Agurpara C. M. S. Institution.
	„ Kedarnath	... Howrah School.
	„ Kunjavihari	... Noral School.
	„ Rajendrakumar	... Mymensing School.
	„ Saratchandra	... Burrisal School.
	„ Sivchandra	... South Baharoo School.
40	„ Umeschandra	... Ootterparah School.
	Baúl Girijakanta	... Mymensing School.
	Bechulal	... Barabanki School.
	Benimadhov	... Bullorampore School.
	Bhaduri, Chandranath	... Howrah School.
	„ Nilratan	... Furreedpore School.
	Bhar, Chandrakanta	... Hare School.
	Bhattacharyya, Baradagovinda	... Beauleah School.
	„ Kailaschandra	... Serampore College.
	„ Sasibhusan	... General Assembly's Institution.
50	„ Trailokyanath	... Kandi School.
	Bhawániprasad	... Joynarian's College.
	Biharilál	... Ajmere Collegiate School.
	Bishi, Krishnachandra	... Beauleah School.
	Bisvás, Isanchandra	... Seal's Free College.
	„ Navadwipchandra	... Kishnaghur Collegiate School.
	„ Umeschandra	... Baraset School.
	Brindavan	... Hume's High School, Etawah.
	Chadalál	... St. John's College, Agra.
	Chakravarti, Bhavanichandra	... Allygurh Zillah School.

60	Chakravarti, Bhuvanchandra	Intally Institution.
	„ Jadunath	Mirzapore Mission School.
	„ Prasannakumar	Kishnaghur A. V. School.
	„ Rajanikanta	Bhowanipore Institution.
	„ Rajmohan	Dacca Brahmo School.
	Chandra, Akshaykumar	Hare School.
	Chattopadhyay, Dinanath	Queen's College, Benares.
	„ Haridas	Beerbhoom School.
	„ Harinath	Bansbariah F. C. Mission School.
	„ Hariprasanna	Oonao Zillah School.
70	„ Kaliprasanna	Pogose School.
	„ Kisarchandra	Kishnaghur A. V. School.
	„ Mathurmohan	Bullagurh Aided School.
	„ Rupnarayan	Oriental Seminary.
	„ Saradaprasad	Cuttack School.
	„ Saratchandra (junior)	Konnugger School.
	„ Srinath	Bancoorah School.
	Chaudhuri, Akshaykumar	Beerbhoom School.
	„ Chandranath	Beauleah School.
	„ Isvarchandra	Beauleah School.
80	„ Jánakináth	Mymensing School.
	„ Jaynarayan	Kucheakole Rajgram School.
	„ Khiradchandra	Ootterparah School.
	„ Madhavchandra	Barrackpore School.
	„ Makundalàl	Beerbhoom School.
	„ Prasannakumár	Bhowanipore Institution.
	„ Rádhikánáth	Okersa School.
	„ Saratchandra	Commillah School.
	Das, Amritalál	Hare School.
	„ Khemkaran	Allygurh Zillah School.
90	„ Krishnakumar	Chittagong High School.
	„ Lakshmikanta	Gowhatty High School.
	„ Madhavkrishna	Calcutta Seminary.
	„ Ramlál	General Assembly's Institution.
	„ Umeschandra	Pogose School.
	Datta, Akshaykumar	Moradpore Training Seminary.
	„ Anantálal	Bancoorah School.
	„ Baradaprasad	Hooghly Branch School.
	„ Hemchandra	Chinsurah Hindu School.
	„ Hemnath	Hare School.
100	„ Kamalkrishna	Noral School.
	„ Murarimohan	Mymensing School.
	„ Ramanath	Calcutta F. C. Institution.
	Davis, C.	Bishop's School, Simla.
	De, Premchand	Bancoorah School.
	„ Purnachandra	Chinsurah Hindu School.
	Deorám	St. John's College, Agra.
	Dev, Prakaschandra	Sylhet Government School.
	Deviprasad	Roy Bareilly School.
	Dhar, Rasiklal	Hindu School.
110	Dulichand	St. John's College, Agra.
	Francis, D.	Teacher.
	Ganes Ramchandra Gadgil	Nagpore Free Church Institution.
	Gangaprasad	Gobindachandra's School, Patna.
	Gangopádhyáy, Haricharan	Pogose School.
	„ Kantichandra	Moradpore Training Seminary.
	„ Saradacharan	Joynarian's College, Benares.
	„ Syamlal	Kishnaghur Collegiate School.
	Ghosh, Avinaschandra	Chinsurah Hindu School.
	„ Banavarilal	Bancoorah School.
120	„ Brajamohan	Jessore School.
	„ Chikanlal	Beerbhoom School.
	„ Dinanath	Bancoorah School.
	„ Hemchandra	Cuttack School.
	„ Kedarnath	Berhampore Collegiate School.
	„ Nagendrakumar	Kishnaghur Collegiate School.
	„ Rakhalchandra	Hooghly Collegiate School.

	Ghoshál, Annadaprasad	... Agurparah C. M. S. Institution.
	Gupta, Gopalchandra	... Calcutta F. C. Institution.
	„ Piyarimohan	... Pogose School.
130	„ Saratchandra	... Dacca Brahmo School.
	Habibar Rahman	... Calcutta Mudrissa.
	Hajrá, Govindajivan	... Berhampore Collegiate School.
	Háldár, Nandalal	... Sanskrit College.
	Hickson, J. A.	... St. Peter's College, Agra.
	Kalimuddin Ahmed	... Intally Institution.
	Karmakár, Chandranath	... General Assembly's Institution.
	Keelan, R.	... La Martiniere College.
	Khurshed Ali	... Calcutta Mudressa.
	Kirpárám	.. Lahore Collegiate School.
140	Lachman Rao Praker	... Saugor High School.
	Laha, Umácharan	... Bancoorah School.
	Lahiri, Purnachandra	... Berhampore Collegiate School.
	„ Saradamohan	... Beauleah School.
	Lal, Hariharcharan	... Patna Collegiate School.
	„ Hazari	... Bareilly Collegiate School.
	„ Sohan	... Moradabad School.
	„ Sundar	... Ditto ditto.
	Mahadeo Rao Pulnaitker	... Saugor High School.
	Maitra, Kailáschandra	... Kishnaghur Collegiate School.
150	Majumdar, Avinaschandra	... Christ Church School, Cawnpore.
	„ Kedarnath	... Ootterparah School.
	„ Trailokyanath	... Patna Collegiate School.
	Mallik, Lakshminarayan	... Hare School.
	Manguram	... Lahore Collegiate School.
	Manna, Umácharan	... Jonye Training School.
	Misra, Harinárayan	... Kandi School.
	Mitra, Baradaprasad	... Ooterparah School.
	„ Bhuvanmohan	... South Baharoo School.
	„ Purnachandra	... Patna Collegiate School.
160	Mofakharar Rahman	... Calcutta Mudressa.
	Mozharul Haq	... Ditto ditto.
	Mukhopádhyáy, Akshaykumar	... Hooghly Collegiate School.
	„ Chandranath	... Joynarain's College.
	„ Durgadas	.. Calcutta Training Academy.
	„ Girindrachandra	... Santipore English School (old).
	„ Jaminikumar	... Dacca Brahmo School.
	„ Jognesvar	... Bancoorah School.
	„ Narottam	... Beerbhoom School.
	„ Parvaticharan	... Kishnaghur Collegiate School.
170	„ Piyarilal	... General Assembly's Institution.
	„ Prasannakumar	... Metropolitan Institution.
	„ Prasannakumar	... Pogose School.
	„ Rajmohan	... Oriental Seminary.
	„ Ramnath	... Beerbhoom School.
	„ Srikumar	... Kishnaghur Collegiate School.
	„ Syamacharan	... Ooterparah School.
	Mulhar Rao	... Sehore High School.
	Nag, Tinkari	... Seebpore Aided School.
	Nandi, Mahendranath	... Hooghly Collegiate School.
180	Nath, Biswambhar (II)	... Delhi Zillah School.
	„ Chandrakumár	... General Assembly's Institution.
	Niogi, Avinaschandra	... Hooghly Collegiate School.
	Pal, Bidhubhushan	... Kishnaghur A. V. School.
	Paladhi, Haricharan	... Ilsoba Mondly School.
	Palit, Isanchandra	... Bancoorah School.
	„ Krishnadhan	... Calcutta Training Academy.
	Pandit, Kasinath Thakur	... Saugor High School.
	„ Pirthunath	... Canning College, Lucknow.
	Pereira, J. E. R.	... Colombo Academy.
190	Phagunprasad	... L. M. High School, Benares.
	Pitamvar	... Ajmere Collegiate School.
	Prasad, Lakshmi	... Patna Collegiate School.
	Raghuvardás, Kaith	... Christ Church School, Cawnpore.
	Ramchand Rao Devasker	... Saugor High School.

	Ramsevak	... L. M. S. Institution, Mirzapore.
	Rámsing	... Umritsur Mission School.
	Ráy, Benimádhav	.. Metropolitan Institution.
	„ Chandrakanta	... Furreedpore School.
	„ Gaurchandra	... Bhagulpore School.
200	„ Haranchandra	... Baraset School.
	„ Hemantakumar	... Kishnaghur Collegiate School.
	„ Jadunáth	... Pooree School.
	„ Priyanath	... Patna Collegiate School.
	„ Ramanáth	... Howrah School.
	„ Syámacharan	... Kuchiakol Rajgram School.
	Rollo, A. D.	... Bengal Academy.
	Rooke, C. M. S.	... Doveton College.
	Rulliaram	... Lahore Collegiate School.
	Saha, Batekrishna	... Calcutta Free Church Institution.
210	„ Kunjavihari	... Santipore English School (old).
	Sahay, Jagdam (I)	... Patna Normal School.
	„ Ramesvar	... Mozufferpore School.
	Sanyal, Nrityagopal	... Bogra School.
	„ Tarinikanta	... Serajgunge School.
	Sarkar, Bhuvanchandra	... Bhowanipore Union Academy.
	„ Krishnachandra	... Hindu School.
	Sen, Annadánanda	... Furreedpore School.
	„ Gopalchandra	... Calcutta Free Church Institution.
	„ Hariprasanna	... Mymensing School.
220	„ Kedarnath	... Calcutta Training Institution.
	„ Makhanlal	... Hooghly Collegiate School.
	„ Mathuranath	... Balasore School.
	„ Nandalal	... Calcutta Free Church Institution.
	„ Purnachandra	... Moteehari School.
	„ Rajanikanta	... L. M. S. Institution, Bhowanipore.
	„ Ramesvar	... Teacher.
	„ Sirischandra	... Bhowanipore Union Academy.
	Sheikh, Abed-ul Rahman	... Patna Normal School.
	„ Azizar Rahman	... Gowhatty High School.
230	„ Belait Hossain	... Burdwan Moharaja's School.
	„ Hossain Baksh	... Bhagulpore School.
	Shewdursan	... Teacher.
	Sil, Binadvihari	... Oriental Seminary.
	„ Gosaindás	... Chinsurah Free Church Institution.
	Sing, Ator	... Amritsar Mission School.
	„ Chhajju	... Umballa Mission School.
	„ Gurdit	... Umritsur Mission School.
	„ Jodh	... Rawul Pindee Mission School.
	„ Sankar	... Moradabad School.
240	„ Shere	... Umritsur Mission School.
	„ Zalim	... Fyzabad High School.
	Sinha, Chunilal	... Midnapore L. M. School.
	„ Ravinandan	... Queen's College, Benares.
	Som, Sureschandra	... Hare School.
	Srikrishna Appaji Pandhe	... Nagpore Free Church Institution.
	Syud, Abdusslam	... Doveton College.
247	Tukárámvishnu Gosávi	... Nagpore Free Church Institution.

J. SUTCLIFFE,

Registrar.

CALCUTTA UNIVERSITY,
The 27th December 1871.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
December 25th, 1871 ...	Holiday.				
" 26th " ...	10,15,984	...	10,48,961	25,677	63,08,487
" 27th " ...	2,695		10,51,656	40,642	63,08,487
" 28th " ...	4,93,977	34,211	15,13,486	72,747	63,08,487
" 29th " ...	1,365	..	15,14,851	93,337	63,08,487
" 30th " ..	...	161	15,15,102	92,615	63,08,487

CALCUTTA MINT,
The 2nd January 1872.

J. F. TENNANT, *Lieut. Colonel,*
Offg. Mint Master.

Statement of Transactions of District Savings Banks for the week ending 4th January 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	22	1,306 4 0	9	425 1 0	0 8 0	1,65,081 7 6
N. W. Provinces ...	12	...	.	..	...	...	63,133 2 6
Punjab	8	..	...	.	...	...	37,975 7 6
Oudh	3	. .	..	.	...	...	20,131 5 11
Central Provinces ...	4	...	...	...	...	...	35,272 7 6
British Burmah ...	5	1	100 0 0	1	80 12 0	...	8,029 14 11
Berar	2	.	0 10 6	...	...	...	7,673 7 1
India	3	.	...	...	...	...	14,415 1 9
TOTAL ...	82	23	1,406 14 6	10	505 13 0	0 8 0	3,51,715 6 8

CALCUTTA,
The 4th January 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 5th January 1872.

No. 201.—Mails for Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Negapatam, Galle, Colombo, Tuticorin, Allepy, Cochin, Beypore, Calicut, Tellicherry, Cannanore, Mangalore, Carwar and Bombay, for transmission per Steamer *Burmah*, will be closed at this Office on Monday, the 8th January, at 6 P. M.

No. 202.—Mails for Akyab, Rangoon and Moulmein, for transmission per Steamer *Madras*, will be closed at this Office on Wednesday, the 10th January, at 6 P. M.

No. 203.—The next Overland Mail *viâ* Bombay will close on Friday, the 12th January 1872.

2. Book post and pattern packets must be posted on the 11th.

N. B.—The Letter Box will close at 7 P. M. precisely, after which hour overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or, bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and, after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

W. H. McGOWAN,
Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 6, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted for the Office of the Chief Engineer, Punjab Northern State Railway, Lahore, a thoroughly qualified European Draftsman. He must be experienced in the details of Locomotive and Machine Construction, as also in Bridge and Iron Work generally. No one need apply who cannot give unexceptionable evidence of character and of fitness for the appointment. A liberal salary is given.

LAHORE,
The 28th November 1871.

A. GRANT, *Offg. Chief Engr.,*
Punjab Northern State Railway.

High Court (Civil) No. 30.

In the Court of the Judge of Bhaugulpore.

NOTICE.

UNDER SECTION 250, INDIAN SUCCESSION ACT, 1865.

No. 563 of 1871.

In the matter of the Estate of John Fitzpatrick, Esq., deceased. } Whereas an application under the Indian Succession Act, 1865, for Probate of the Will and Codicil, dated, respectively, the 27th day of September 1870 and 12th day of September 1871, of John Fitzpatrick, Esq., deceased, late of Bhaugulpore, has been made by Walter Beatson Pemberton, Esq., of Tirhoot, and whereas Monday, the 22nd January 1872, has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the Estate of the said deceased, may, if he desire, appear in this Court on the said 22nd day of January 1872 and show cause why the application of the aid W. B. Pemberton should not be granted.

Given under my hand and seal of this Court.

H. R. MADOCKS,
Judge.

DISTRICT COURT,
BHAUGULPORE;
The 23rd December 1871.

Notice.

Mr. Edward Clarke is this day admitted a Partner in our Firm.

J. H. FERGUSSON & CO.

CALCUTTA,
The 1st January 1872.

Just Published.

Bengal Official Army List.

Corrected up to January 1, 1872.

The Official Quarterly Army List of H. M.'s Forces in Bengal, to which is added a Non-Official Supplement, containing the latest corrected Civil List, &c., &c. *Price Rs.* 5; *and* 8 *annas extra for packing and postage.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4424	A/88 37935	1,000	T. Beuke, Esq.
	A/88 50741	1,000	
4425	A/80 66144	50	Baboo Tara Mohun Mullick.
4428	A/84 98875	100	Baboo Rajendronarain Bose.
4433	A/95 50775	10	Mrs. Emily Hoff.
4434	A/89 45419	50	Baboo Prasanna Nauth Sandyal.
4435	A/50 64999	50	Baboo Jadubchunder Mitter.
4437	A/84 58704	100	Baboo Rajendronarain Bose.
	A/98 40156	20	
	Notes partially lost or destroyed.		
		Rs.	
4429	A/98 00265 wrongly joined	10	M. C. Proby, Esq.
	A/98 00266		
4430	A/80 64725	100	Baboo Nundo Mohun Doss.
	A/84 13449	100	
4431	A/98 63233	20	Messrs. Scallan and Co.
	A/93 63223	20	
4432	A/91 49620	10	Messrs. W. H. Foze and Co.
	A/97 34733	20	
4436	A/88 39116	1,000	Abdool Haque.
4438	A/94 74801 wrongly joined	20	F. Page, Esq.
	A/94 74810		

PAPER CURRENCY OFFICE;
CALCUTTA,
The 4th January 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

TRICHINOPOLY CIRCLE.

REGISTER NO.	NO. OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.		
28 ...	$\frac{11}{6}$05160 ...	Rs. 10 ...	Alexander Reid, Trichinopoly.

PAPER CURRENCY OFFICE;
TRICHINOPOLY,
The 20th December 1871.

W. E. WRIGHT,
Deputy Collector,
In charge of Paper Currency.

PROMISSORY NOTES.

Lost.

Government Security No. $\frac{002439}{000959}$ of 5½ per cent. of 1859-60, for Rs. 5,000.

RUJJUB ALLI, FOR FATTEHMA KHATOON.

Government Promissory Notes of 3½ per cent. loan, Nos. 490 and 491 of 1853-54, for Rs. 10,000 each, and No. 492 of 1853-54 for Rs. 3,000.

SHAMA SHOONDORY.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 6, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st December 1871, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 25 OF 1871.

A Bill to amend Act XII of 1870 (the Native Passenger Ships Act).

Preamble.

WHEREAS it is expedient to amend Act XII of 1870 (the Native Passenger Ships Act); It is hereby enacted as follows :—

Amendment of sec. 2, Act XII of 1870.

1. Instead of the second paragraph of section two of the said Act, the following shall be read :

Act not to apply to Ships-of-War, &c.

"Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty or to any Ship-of-War belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State, or to any Steam Vessel employed in the conveyance of public mails, under a contract, to places beyond the coasts of British India or Ceylon."

Or to Steam Vessels conveying public mails.

Amendment of sec. 4.

2. Instead of the last paragraph of section four of the said Act, the following shall be read :

"Native Passenger Ship."

"The words 'Native Passenger Ship' mean a vessel, whether sailing or steam, carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers."

Addition to section 12.

3. After section twelve of the said Act, the following proviso shall be added :

"Provided that, in the case of Steam Ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between decks under the requirements of this section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board."

Addition to section 21.

4. After section twenty-one of the said Act, the following proviso shall be added :

"Provided also that, in the case of Steam Ships provided with a condenser, the officer authorised in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this section to an amount not

less than three gallons to every week of the declared duration of the voyage for every passenger on board."

Act to be read as part of Act XII of 1870.

5. This Act shall be read as part of Act XII of 1870.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is (1) to remove a doubt which has been expressed as to the applicability of chapters 1, 2 and 4 of Act XII of 1870 to Steam Vessels; (2) to define with more precision the meaning of the expression "Sea-going Steam Vessel" in section 2; and (3) to provide, in the case of Steam Vessels, some relaxation of the rules contained in sections twelve and twenty-one, as to space and water, which have been represented to be unnecessarily strict.

F. S. CHAPMAN.

The 8th December 1871.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations

[Third Publication.]

The following Report of the Select Committee on the Bill to legalize marriages between certain Natives of India not professing the Christian Religion, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st December 1871:—

LEGISLATIVE DEPARTMENT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations to which the Bill to legalize marriages between certain Natives of India not professing the Christian Religion was referred, have the honour to report that we have considered the Bill and the further papers noted in the margin.

Translation from the Bharut Paridurshak, dated 1st Bysack 1278, B. S.
Two Petitions from certain Native inhabitants of Bengal, dated 27th May 1871.
Memoh from the Members of the Allahabad Bráhma Samája, dated 20th June 1871.
Ditto ditto ditto ditto do. 26th do.
Ditto ditto Berhampore ditto do. 27th do.
Endorsement, Foreign Department, No. 1099G, dated 30th May 1871, forwarding extract, paragraph 1 from the Shom Prakash of the 17th April 1871.
Memorial from Members of Rajmahal Bráhma Samáj, dated 6th Aug. 1871.

Ditto	ditto	Mymensing	ditto	(no date).
Ditto	ditto	Comercally	ditto	(ditto).
Ditto	ditto	Gya	ditto	(ditto).
Ditto	ditto	Cawnpore	ditto	(ditto).
Ditto	ditto	Bereilly	ditto	dated 7th August 1871.
Ditto	ditto	Monghyr	ditto	ditto 7th do.
Ditto	ditto	Dehra Doon	ditto	ditto 7th do.
Ditto	ditto	Lahore	ditto	ditto 7th do.
Ditto	ditto	Allahabad Branch	ditto	ditto 6th do.
Ditto	ditto	Agra	ditto	ditto 8th do.
Ditto	ditto	Rawul Pindi	ditto	ditto 8th do.
Ditto	ditto	Bhagulpora	ditto	ditto 8th do.
Ditto	ditto	Toondla	ditto	ditto 9th do.
Ditto	ditto	Lucknow	ditto	ditto 10th do.
Ditto	ditto	Jamalpore	ditto	ditto 10th do.
Ditto	ditto	Hazarebag	ditto	ditto 7th do.
Ditto	ditto	Oosmanpore	ditto	ditto (no date).
Ditto	ditto	Patna	ditto	ditto 7th Aug. 1871.
Ditto	ditto	Burisaul	ditto	ditto 11th do.
Ditto	ditto	Bangalore	ditto	ditto 12th do.
Ditto	ditto	Krishnaghur	ditto	dated 14th do.
Ditto	ditto	Furreedpore	ditto	ditto 14th do.
Ditto	ditto	Gournagore	ditto	ditto 15th do.
Ditto	ditto	Baranagore	ditto	ditto 16th do.
Ditto	ditto	Kooshtea	ditto	ditto 15th do.

Ditto from certain Native inhabitants of Bengal ditto 27th do.
Ditto from Members of Chittagong Bráhma Samáj ditto 13th do.

Ditto	ditto	Nowgong	ditto	(no date).
Ditto	ditto	Kishoregunj	ditto	(ditto).
Ditto	ditto	Bogra	ditto	ditto 20th Aug. 1871.
Ditto	ditto	Sylhet	ditto	ditto 27th do.
Ditto	ditto	Bombay Prarthona	ditto	ditto (no date).
Ditto	ditto	Mangalore	ditto	ditto 17th August 1871.
Ditto	ditto	Gowhattee	ditto	ditto 20th do.
Ditto	ditto	Kuligacha	ditto	ditto 19th do.
Ditto	ditto	Cachar	ditto	ditto 21st do.
Ditto	ditto	Cuttack	ditto	(no date).
Ditto	ditto	Burdwan	ditto	ditto 25th Aug. 1871.
Ditto	ditto	Soledah	ditto	ditto 23rd do.

Note by the Hon'ble J. F. Stephen ditto 29th do.
Memorial from Members of Brahmanbariah Bráhma Samáj (no date).

Ditto	ditto	Kulighat	ditto	dated
Ditto	ditto	Jabulpur	ditto	ditto 4th Sept. 1871.
Ditto	ditto	Howrah	ditto	ditto 6th do.
Ditto	ditto	Gowalpara	ditto	ditto 3rd do.
Ditto	ditto	Konnaghur	ditto	ditto 11th do.

Ditto from the Bráhmas of Dacca ditto 14th Sept 1871.
Ditto from Members of Beauleah Bráhma Samáj ditto 16th do.

Ditto	ditto	Seebsaugor	ditto	ditto (no date).
Ditto	ditto	Chinsurah	ditto	ditto 3rd Sept. 1871.
Ditto	ditto	Baripore	ditto	ditto (no date).

From Babu Keshub Chunder Sen, No. 140, dated 28th November 1871, forwarding Statement of Bráhma Samáj of India in reply to objections advanced against the Bill.
Memorial from Members of Bráhma Samáj in Great Britain (no date).
Ditto Ditto Southern India Bráhma Samáj, dated 1st Dec. 1871.

2. The unanimous opinion of the Local Governments being unfavourable to the original Bill, it was at first proposed to confine its operation to the Bráhma Samája, and to require persons availing themselves of its provisions to sign a declaration of membership in that sect.

3. We found, however, that this proposal was objected to by the section of the Samája which calls itself the Adi Bráhma Samája who regard themselves as being still Hindús, and deprecate all legislation on the subject of Bráhmist marriages, as implying a doubt, which they do not feel, as to their present competence to contract valid marriages, and object to a Bill the title of which would imply that the other section of the Bráhmists have an exclusive right to that title.

4. On the other hand, we found that the Progressive Bráhmists had no objection to declare that they were neither Hindús, Muhammadans, nor Pársís, and would be satisfied with a Bill providing a valid form of marriage for persons who were prepared to make a declaration to that effect.

5. We have therefore confined the Bill to persons who, not being either Christians or Jews, do not profess or have renounced, or have been excluded from, the Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion. We provide that the parties to any marriage under the Act must at the time be unmarried; that the man must be eighteen years of age, the woman fourteen, and that, if she be under eighteen, the parent or guardian must consent; and that they must not be connected in any degree of consanguinity or affinity which, by the law to which either of them is subject, would render a marriage between them illegal.

6. We have provided that persons marrying under the Act shall not be permitted to marry another person during the lifetime of the wife or husband, whatever form of religion they may, at the time of such second marriage, profess; (2) that the Indian Divorce Act shall apply to marriages under the Act; (3) that the issue of marriages under the Act shall be subject to the English law of consanguinity and affinity; and (4) that the Indian Succession Act shall apply to all persons marrying under the Act and the issue of such marriages.

7. In section 15, we provide that nothing in the Act shall be deemed to affect the validity of any marriage not solemnized under the Act, or of any mode of marriage other than the one provided in the Act.

8. We have provided, in section 16, that all marriages contracted before the passing of the Act between persons, who might have married under the Act had it been in existence, may be registered within a year, and shall thereupon be as valid from the date of the marriage, as though contracted under the Act.

9. We recommend that the Bill and report be published in the *Gazette of India*, and that, subject to the foregoing amendments, the Bill be passed.

J. F. STEPHEN.
J. STRACHEY.
F. R. COCKERELL.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.

The 21st December 1871.

A BILL TO PROVIDE A FORM OF MARRIAGE IN CERTAIN CASES.

Preamble.

WHEREAS it is expedient to provide a form of marriage for persons who are neither Christians nor Jews, and who do not profess, or who have renounced or been excluded from the communion of the Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful; It is hereby enacted as follows:—

Conditions upon which marriages under Act may be celebrated.

1. Marriages may be celebrated under this Act between persons who are neither Christians nor Jews, and who have renounced or have been excluded from the communion of, or who do not profess either the Hindú or the Muhammadan, or the Pársí or the Buddhist, or the Sikh or the Jaina religion, upon the following conditions:—

(1).—Each party must, at the time of the marriage, be unmarried.

(2).—The man must have completed his age of eighteen years, and the woman her age of fourteen years according to the Gregorian calendar.

(3).—The woman must, if she has not completed her age of eighteen years, have obtained the consent of her father or guardian to the marriage, unless she be a widow.

(4).—The parties must not be related to each other in any degree of consanguinity or affinity, which would, according to any law to which either of them is subject, render a marriage between them illegal; but no such law or custom other than one relating to consanguinity or affinity shall prevent them from marrying.

Appointment of Marriage Registrars.

2. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its administration. The officer so appointed shall be called Registrar of Marriages under Act XXXIV of 1871, and is hereinafter referred to as the Registrar; the portion of territory for which any such officer is appointed shall be deemed his district.

One of the parties to intended marriage to give notice to Marriage Registrar.

3. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar before whom it is to be solemnized.

The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for five days before such notice is given.

Such notice may be in the form given in the first Schedule to this Act.

Notice to be filed and copy entered in the Marriage Notice Book.

4. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of any such notice in a book to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book under Act XXXIV of 1871," and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Objection to marriage.

5. Five days after notice of an intended marriage has been given under section three, such marriage may be solemnized unless it has been previously objected to in the manner hereinafter mentioned.

Any person may object to any such marriage on the ground that it would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section one.

The nature of the objection made shall be recorded in writing by the Registrar in the register, and shall, if necessary, be read over and explained to the person making the objection, and shall be signed by him or on his behalf.

Procedure on receipt of objection.

6. On receipt of such objection the Registrar shall not proceed to solemnize the marriage until the lapse of five days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of five days from the opening of such Court.

Objector may file suit.

The person objecting to the intended marriage may file a suit in any Civil Court having local jurisdiction (other than a Court of Small Causes) for a declaratory decree, declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section one.

Certificate of filing of suit to be lodged with Registrar.

7. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within five days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within five days of the opening of such Court; the marriage shall not be solemnized till the decision of such Court has been given and the period allowed by law for appeals from such decision has elapsed; or, if there be an appeal from such decision, till the decision of the Appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section one, the marriage shall not be solemnized.

Court may fine when objection not reasonable.

8. Any Court, in which any such suit as is referred to in the last preceding section is filed, may, if it shall appear to it that the objection was not reasonable and *bonâ fide*, inflict a fine not exceeding 1,000 rupees on the person objecting, and award it, or any part of it, to the parties to the intended marriage.

Declaration by parties and witnesses.

9. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the second schedule to this Act. If the woman has not completed her age of eighteen years, the declaration shall also be signed by her father or guardian, and, in every case, it shall be countersigned by the Registrar.

Marriage how to be solemnized.

10. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses, 'I, A, take thee, B, to be my lawful wife (*or* husband).'

Place where marriage may be solemnized.

11. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire. Provided that the Local Government may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon.

Form of certificate.

12. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the Marriage Certificate Book under Act XXXIV of 1871, in the form given in the third schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses.

Fees.

13. The Local Government shall prescribe the fees to be paid to the Registrar for the duties to be discharged by him under this Act.

The Registrar may, if he think fit, demand payment of any such fee before solemnization of the marriage or performance of any other duty in respect of which it is payable.

The Marriage Certificate Book shall at all reasonable times be open for inspection, and shall be admissible as evidence of the truth of the statements therein contained. Certified extracts therefrom shall on application be given by the Registrar on the payment to him by the applicant of a fee to be fixed by the Local Government for each such extract.

Penalty on married person marrying again under Act.

14. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section four hundred and ninety-four or section four hundred and ninety-five of the Indian Penal Code as the case may be; and the marriage so solemnized is void.

Punishment of bigamy.

15. Every person married under this Act who, during the life-time of his or her wife or husband, contracts any other marriage shall be subject to the penalties provided in sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the life-time of a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage.

Indian Divorce Act to apply.

16. The Indian Divorce Act shall apply to all marriages contracted under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clauses (1), (2), (3), or (4) of section one.

Certain provisions of law of England to apply to issue of marriages under Act.

17. The issue of marriages solemnized under this Act shall be deemed to be subject to the law of England for the time being as to the prohibition of marriages by reason of consanguinity and affinity.

Indian Succession Act to apply.

18. The Indian Succession Act shall apply to all persons marrying under this Act and to the issue of such marriages.

Saving of marriages solemnized otherwise than under Act.

19. Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions, nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage, but if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.

Registry of marriages contracted before passing of Act.

20. All persons who have heretofore contracted marriages according to any form whatever, which if they had been contracted after the passing of this Act, might have been solemnized under its provisions, may at any time, previous to the 30th day of December 1872, have such marriages registered under this Act, and such marriages shall thereupon be deemed to be and to have been as valid as if they had been contracted and solemnized under this Act. Persons who register marriages under this section must, on such registry, sign a declaration in the form given in the fourth Schedule to this Act.

Penalty for signing declarations or certificates containing false statements.

21. Every person making, signing or attesting any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed guilty of the offence described in section one hundred and ninety-nine of the Indian Penal Code.

FIRST SCHEDULE.

(*See Section* 3).

NOTICE OF MARRIAGE.

To a Registrar of Marriages under Act XXXIV of 1871 for the District [of]

I hereby give you notice that a marriage under Act XXXIV of 1871, is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.
A B	*Unmarried.*	*Landowner.*	*Of full age.*	.....	*23 days.*
C D	*Spinster.*	.....	*Minor.*	.....	.....

Witness my hand, this day of *seventy-one.*

(Signed) JAMES SMITH.

SECOND SCHEDULE.

(*See Section* 9).

Declaration to be made by the Bridegroom.

I, *A B*, hereby declare as follows :—

1. I am at the present time unmarried :

2. I do not profess the Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and I am neither a Christian nor a Jew :

3. I have completed my age of eighteen years :

4. I am not related to *C D* [*the bride*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, render a marriage between us illegal :

5. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(Signed) *A B* (*the bridegroom*).

Declaration to be made by the Bride :—

I, *C D*, hereby declare as follows :—

1. I am at the present time unmarried :

2. I do not profess the Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and I am neither a Christian nor a Jew :

3. I have completed my age of fourteen years :

4. I am not related to *A B* [*the bridegroom*] in any degree of consanguinity or affinity which would, according to the law to which I am

subject, or to which the said *A B* is subject, render a marriage between us illegal.

[*And when the bride has not completed her age of eighteen years:*]

5. The consent of *M N* my father [*or* guardian, *as the case may be*], has been given to a marriage between myself and *A B*, and has not been revoked.

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D*:

G H, *I J*, *K L*, } (*three witnesses*).

[*And when the bride has not completed her age of eighteen years:*]

Signed in my presence and with my consent by the above *A B* and *C D*:

M N, the father [*or* guardian], of the abovenamed *C D*.

(Countersigned) *E F*,

Registrar of Marriages under Act XXXIV of 1871, *for the District of*

Dated the day of 18 .

THIRD SCHEDULE.

(*See section* 12).

Registrar's Certificate.

I, *E F*, certify that, on the of 18 appeared before me *A B* and *C D*, each of whom, in my presence and in the presence of three credible witnesses, whose names are signed hereunder, made the declarations required by Act XXXIV of 1871, and that a marriage under the said Act was solemnized between them in my presence.

(Signed) *E F*,

Registrar of Marriages for the District of

G H, *I J*, *K L*, } (*three witnesses*).

Dated the day of 18 .

FOURTH SCHEDULE.

(*See section* 20).

Declaration to be made by the Husband.

I, *A B*, hereby declare as follows:—

1. I was at the time of my marriage to my wife C D unmarried

2. I did not at such time profess the Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, nor was I a Christian or a Jew:

3. I had at such time completed my age of eighteen years:

4. I am not related to *C D* [*the wife*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, render a marriage between us illegal:

5. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(Signed) *A B* (*the husband*).

Declaration to be made by the wife:—

I, *C D*, hereby declare as follows:—

1. I was at the time of my marriage to my husband A B unmarried:

2. I did not at such time profess the Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, nor was I a Christian or a Jew:

3. I had at such time completed my age of fourteen years:

4. I am not related to *A B* [*the husband*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A B* is subject, render a marriage between us illegal.

[*And when the bride has not completed her age of eighteen years:*]

5. The consent of *M N* my father [*or* guardian, *as the case may be*], had at such time been given to a marriage between myself and *A B*, and had not been revoked.

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D*:

G H, *I J*, *K L*, } (*three witnesses*)

(Countersigned) *E F*,

Registrar of Marriages under Act XXXIV of 1871 *for the District of*

Dated the day of 18 .

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd January 1872, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 1 OF 1872.

A Bill to consolidate and amend the Law relating to the Courts in British Burma.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in British Burma; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Burma Courts Act, 1872."

Extent.

It extends to all the territories subject to the Chief Commissioner of British Burma;

Commencement.

and shall come into force on the date of the passing thereof.

Pending suits to be disposed of by Courts in which instituted.

2. All suits, appeals, applications or proceedings instituted previous to such date in any Court, except those of the Chief Commissioner and the Recorders of Rangoon and Maulmain, shall be heard and disposed of by the Courts in which they were instituted.

Transfer of suits pending in Courts of Chief Commissioner and Recorder.

3. All suits, appeals, applications or proceedings pending in the Court of the Chief Commissioner, shall be transferred to the Court of the Judicial Commissioner, those pending in the Court of the Recorder of Rangoon shall be transferred to the Court of the Judge of Rangoon; and those pending in the Court of the Recorder of Maulmain shall be transferred to the Court of the Judge of the Town of Maulmain, or, if the subject-matter thereof be beyond his jurisdiction, to the Court which has jurisdiction under this Act.

Repeal of Acts.

4. The Acts mentioned in the schedule hereto annexed are hereby repealed, except as to the suits, appeals, applications and proceedings mentioned in section two, but not so as to affect the operation of any Act extended to British Burma by any of the said Acts.

CHAPTER II.

LAWS TO BE ADMINISTERED.

Certain decisions to be according to Native law.

5. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Buddhist law, where the parties are Buddhists, the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom having the force of law prevailing in British Burma.

In cases not provided for by the former part of this section or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

CHAPTER III.

GRADES AND JURISDICTION OF COURTS.

Grades of Courts.

6. The Courts mentioned in the first column of the subjoined table shall ordinarily have such criminal jurisdiction as is specified in the second column thereof, and such civil jurisdiction in the adjudication of suits arising within their local jurisdiction as is specified in the third column thereof:

Name of Presiding Officer.	Criminal Jurisdiction.	Civil Jurisdiction.
(1.) The Extra Assistant Commissioner of the third class.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees five hundred.
(2.) The Extra Assistant Commissioner of the second and first class, and the Assistant Commissioner.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees three thousand.
(3.) The Town Magistrate.	The full powers of a Magistrate.	None.
(4.) The Judge of the Court of Small Causes at Rangoon.	None.	Powers of a Court of Small Causes, where the suit is of a nature cognizable by a Court of Small Causes, and the amount or value of its subject-matter does not exceed rupees one thousand.

Name of Presiding Officer.	Criminal Jurisdiction.	Civil Jurisdiction.
(5.) The Deputy Commissioner.	The full powers of the Magistrate of the District.	Powers of a Civil Court in all suits, whatever be the value or the amount of the subject-matter of the suit. Powers of a District Judge. Power to hear Appeals from decrees and orders of the Courts of the first and second grades, where such Appeal is allowed by law. Power to direct the business in the Courts of the first and second grades to be distributed among such Courts in such way as he shall think fit.
(6.) The Judge of the Town of Moulmein.	Powers of a Sessions Judge	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value does not exceed rupees one thousand.
7.) The Commissioner	Powers of a Sessions Judge	Power to withdraw any suit or appeal instituted in any Court within his jurisdiction, except a Court of Small Causes, and try such suit or appeal himself or refer it for trial to any Subordinate Court of competent jurisdiction. Power to hear appeals from decrees and orders of the Court of the fifth grade, where such appeal is allowed by law.
(8.) The Judicial Commissioner.	Powers of a Sudder Court	Powers of a High Court. Power to remove and try any suit or appeal instituted in any Subordinate Court. Power to hear appeals from decrees and orders of the Courts of the Commissioner where such appeal is allowed by law.

Chief Commissioner may give special jurisdiction.

7. The Chief Commissioner may invest any Assistant Commissioner or Extra Assistant Commissioner of the first or second class with power to try suits of which the amount or value does not exceed 5,000 rupees.

Chief Commissioner may create Courts of Small Causes.

8. The Chief Commissioner may invest the presiding officer of any Court of the second grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed one hundred rupees, and the presiding officer of any Court of the fifth grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed five hundred rupees.

Chief Commissioner may transfer appellate jurisdiction to Judicial Commissioner.

9. The Chief Commissioner may direct that the appellate jurisdiction of any Commissioner shall vest in the Judicial Commissioner.

Abolition of certain Courts.

10. From the date of the passing of this Act the Courts of the Chief Commissioner and of the Recorders of Rangoon and Maulmain and of the Cantonment Magistrate of Rangoon shall cease to exist.

Power to fix number of Courts.

11. The Governor General in Council shall fix, and may from time to time vary, the number of Courts of each grade to be established under this Act.

Appointment of officers.

12. The presiding officers of all the Courts except those of the first grade shall be appointed by the Governor General in Council.

The Extra Assistant Commissioners of the third class shall be appointed by the Chief Commissioner.

Suspension and removal of presiding officers.

13. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

The presiding officer of any Court except the Judicial Commissioner and the Judge of Rangoon may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

The presiding officer of any Court of the first grade may, for any misconduct, be suspended or removed by the Chief Commissioner.

Appointment of ministerial officers of Courts of first and second grades.

14. The ministerial officers of the Courts of the first and second grades shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate. The ministerial officers of all other Courts subordinate to the Judicial Commissioner shall be appointed by the presiding officers thereof; provided that the appointment of a ministerial officer whose monthly salary exceeds fifty rupees shall be subject to the sanction of the Judicial Commissioner.

15. Every Court of the first and second grades may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office.

Power to fine, suspend or remove such officers.

The Deputy Commissioner, subject only to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order, and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of any Court subordinate to him.

The presiding officers of all other Courts subordinate to the Judicial Commissioner may remove or suspend the ministerial officers of their respective Courts, or fine them in an amount not exceeding one month's salary, but every such removal or suspension made by a Commissioner or Deputy Commissioner shall be subject to the general control of the Judicial Commissioner.

16. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Recovery of fines.

17. Nothing in this Chapter shall be deemed to bar the general control of the Chief Commissioner over all appointments and removals of ministerial officers under this Act.

Saving of general control of Chief Commissioner over appointments and removals of ministerial officers.

18. The general superintendence over all the Courts mentioned in section six is vested in the Judicial Commissioner whose Court shall be deemed the highest Civil Court of appeal; and, subject to such general superintendence, the Commissioner shall have control over the courts of the Deputy Commissioners within his Division: and the Deputy Commissioner over all the Courts of the first and second grades within his district.

Superintendence over Courts.

19. All existing Courts of the grades mentioned in section six, and the presiding officers thereof, shall be deemed to have been respectively established and appointed under this Act.

Confirmation of existing Courts and presiding officers.

20. Every Court under this Act shall—

(1) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner;

Seal to be used.

(2) be held at such place or places as may from time to time be directed by the Chief Commissioner; or in the absence of any such direction at any place within the local jurisdiction of the Court which the presiding officer may think fit.

Place for holding Court.

21. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Officers specially empowered may exercise powers within local jurisdiction of other courts.

22. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, fix, and may with the like sanction from time to time vary, the local limits of the jurisdiction of any Court under this Act.

Chief Commissioner to fix local jurisdiction of Courts.

23. The present local limits of the jurisdiction of every Court with the exception of that of the Chief Commissioner and those of the Recorder of Rangoon and Maulmain and the Cantonment Magistrate of Rangoon shall be deemed to be fixed under this Act.

Existing local jurisdiction preserved.

24. No presiding officer of any Court shall, unless with the consent of the parties or the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

Presiding officer of Court not to try suit or appeal in which he is interested.

When any such suit, appeal or proceeding comes before any such presiding officer, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

Mode of disposing of such suit.

The superior Court shall thereupon try the case itself, or transfer it for trial to any Subordinate Court of competent jurisdiction.

In the event of an appeal being preferred to a Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner who shall either direct the Judicial Commissioner to try the case himself or transfer it to the Court of the Judge of Rangoon.

25. Where a suit is brought for immoveable property situate within the local jurisdiction of different Courts, included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

Procedure, when subject-matter of suit is situate within jurisdiction of different Courts.

If the Courts belong to different Divisions the application shall be made to the Judicial Commissioner through the Commissioner of the Division, in which the Court wherein the suit was instituted, is included.

26. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

List of holidays.

CHAPTER IV.

APPEALS.

27. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which

Time allowed for presenting appeals to Commissioner.

the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Respondent need not always be summoned.

28. The Appellate Court may confirm the decision of the Lower Court, without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the Appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Reference to Judicial Commissioner.

29. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt and refer it, with the Court's own opinion, for the decision of the Judicial Commissioner.

Procedure on such reference.

30. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made, and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity with such ruling.

Costs of reference.

The costs, if any, consequent on the reference of the case to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

When Judicial Commissioner may receive second appeal.

31. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Court, a further consideration of the case appears to him to be requisite for the ends of justice.

When decision of first Appellate Court to be final.

32. If the Court of first appeal confirms the decision of the Court of first instance on a matter of fact, such decision shall be final.

Reference to Judicial Commissioner at request of parties.

33. If the Court of first appeal confirms the decision of the Court of first instance on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have ruled amiss, and to submit it to the Judicial Commissioner.

Such application shall not be admitted, unless it is made within the period and after payment of the fee prescribed by law in regard to the presentation of appeals.

If the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall make a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Court of the Judicial Commissioner.

Procedure of Judicial Commissioner thereupon.

34. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred as if it were an appeal instituted in such Court, and shall send a copy of its judgment to the Court submitting the point, which shall dispose of the case in conformity therewith.

Section thirty to apply to reference to Judicial Commissioner.

35. The provisions of section thirty, as to the adjustment of costs, shall apply to cases referred under the last preceding section.

CHAPTER V.

COURT OF THE JUDGE OF RANGOON.

The Court of the Judge of Rangoon.

36. In addition to the aforementioned Courts, it shall be lawful for the Governor General in Council to establish a Court for the Town of Rangoon, which shall be called the Court of the Judge of Rangoon.

The said Judge shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

He shall hold his Court ordinarily in the Town of Rangoon, but the Chief Commissioner may direct him to hold his Court at any other place in British Burma.

Local limits of its jurisdiction.

37. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the jurisdiction of the Judge of Rangoon, but the Chief Commisioner may from time to time vary them with the previous sanction of the Governor General in Council.

Its civil jurisdiction.

38. The Court of the Judge of Rangoon shall have civil jurisdiction in the adjudication of suits of every description, and of whatever value arising within his local jurisdiction, except those which are cognizable by a Court of Small Causes.

Appeals from the Judge's Court to High Court, Calcutta.

39. There shall be no appeal from the decree or order of the Judge of Rangoon passed in any original suit or proceeding where the amount or value of the subject-matter thereof does not exceed three thousand rupees; but where the amount or value exceeds three thousand rupees, an appeal shall lie to the High Court of Judicature at Fort William in Bengal.

Assessors in Civil suits.

40. For the trial of Civil suits under this Act, the Judge of Rangoon may constitute one or more persons Assessor or Assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Judge. No Officer of the Judge's Court shall be appointed an Assessor under this section.

Miscellaneous jurisdiction.

41. The Judge of Rangoon shall, within the local limits of his civil jurisdiction, exercise the powers of a District Judge, and he shall also exercise the powers of a District Judge under Act IV of 1869 *(The Indian Divorce Act)* throughout British Burma.

Judge to exercise powers of Session Court within his civil jurisdiction.

42. The Judge of Rangoon shall exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, within the local limits of the civil jurisdiction of his Court. Sentences of death passed by him shall not be subject to confirmation by any Sudder Court, but shall require the concurrence of the Judicial Commissioner. If there be any difference of opinion as to the propriety of the sentence, the record of the trial shall be forwarded to the High Court of Fort William in Bengal, who shall pass such sentence or order in the case as to the said Court shall seem right.

And powers of High Court as to European British subjects.

43. The Judge of Rangoon shall exercise the powers of a High Court for the trial of European British subjects; and all commitments of European British subjects on charges of offences committed within British Burma shall be made to his Court.

Trial of offences punishable with death.

44. Provided that, when the offence be one punishable with death, the Judicial Commissioner shall sit with the Judge and form a Special Court of Sessions for the trial of the accused person; and if there arise any difference of opinion, the case shall be referred for the decision of the High Court of Fort William in Bengal.

Proceedings to be regulated by the Code of Criminal Procedure.

45. The proceedings on trials held by the Judge of Rangoon as a Court of Sessions, or by the Judicial Commissioner and Judge of Rangoon sitting together as a Court of Sessions, for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure.

Provided that European Officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

The Officer Commanding the Station where the Court of Sessions is about to be held shall, when required, send in to the Court a list containing the names of all Officers liable to serve.

The summons to any such Officer to serve as a juror shall be sent through the Officer Commanding the Station, but no Officer shall be excused from attendance unless the Officer Commanding the Station shall certify in writing to the Court that the presence of the Officer summoned is required elsewhere on urgent military duty. And in such certificate the Commanding Officer shall supply the name of some other Officer for service upon the jury.

The Judge of Rangoon to sum up.

46. In cases tried before the Judicial Commissioner, and the Judge of Rangoon as a special court of Sessions, the Judge of Rangoon shall sum up the evidence to the jury.

Sentence of death to be referred to High Court.

47. Sentence of death passed upon an European British subject shall not be carried out without the confirmation of the High Court at Fort William in Bengal, to whom the case shall be referred.

Party aggrieved by any order may apply to High Court.

48. Any party aggrieved by a judicial order of the Judge of Rangoon, other than a decree or sentence in a criminal trial, or by any alleged misconduct on the part of the said Judge, may appeal against such order, or complain of such misconduct to the High Court of Fort William in Bengal, and the High Court shall have power to make such order thereon as it thinks fit.

Judge to keep such registers, &c., and to submit such returns, &c., as Chief Commissioner shall prescribe.

49. The Judge of Rangoon shall keep such Registers and Books and Accounts, and submit to the Chief Commissioner such statements and returns of the work done in his Court, on the Civil and Criminal sides, as may be prescribed by the said Chief Commissioner, subject to the approval of the Governor General in Council. The Judge of Rangoon shall also comply with such requisitions for information as may be made by the Chief Commissioner, shall hold his Court at such times, observe such holidays and vacations as shall be prescribed by the Chief Commissioner, and generally, in matters not judicial, shall obey the orders of the Chief Commissioner.

Power to make rules of practice.

50. The Judge of Rangoon may make and issue general rules for regulating the practice and procedure of his Court, and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the local Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner.

Licensing of Advocates, and rules regarding qualifications and admission.

51. No person shall be permitted to appear or act as the Advocate of any suitor in the Court of the Judge of Rangoon, unless such person shall have been licensed thereto by the said Judge either generally, or specially; and the Judge may make rules for the qualification and admission of proper persons to act as Advocates in his Court, and from time to time may add to any such rules. Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf or on behalf of a co-suitor. Provided also that any person, who for the time being is an Advocate, Vakeel, or Attorney-at-law of any of the High Courts of Judicature in India, shall be entitled

Saving of agent for Secretary of State, &c.

And of Advocates, &c., of High Courts.

without any license to act as an Advocate for any suitor in the Court of the Judge of Rangoon.

License may be suspended or withdrawn.

52. The Judge of Rangoon may, for any sufficient reason, suspend or withdraw any such license.

Fees of Advocates, &c., subject to taxation.

53. The fees to be received by any Advocate, whether general or special, licensed by the Judge of Rangoon or entitled to act as an Advocate for another person in his Court without a license, under section 51 of this Act, shall at all times be subject to the control and taxation of the said Judge, and no fees shall be recoverable by any Advocates except such fees as shall have been allowed by the said Judge on taxation.

Rules for service and execution of process, and table of fees for same.

54. The Judge of Rangoon may, with the previous sanction of the Chief Commissioner, make and alter rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction, and settle a table of fees to be allowed to the persons employed in such service or execution.

Publication of same.

All such rules and tables shall be published in the local Official Gazette, and shall thenceforth have the force of law.

Rules under certain Acts to be deemed to have been made under this Act.

55. Rules made and issued by the Judge of Rangoon under sections 16 and 19, Act XXI of 1863, and section 14, Act III of 1866, shall be deemed to have been made and issued under this Act.

Law to be administered.

56. Subject to the provisions of Section 5 of this Act, all questions of fact, law and equity arising in suits before the Judge of Rangoon and the Judge of the town of Maulmain shall be dealt with and determined according to the law administered by the High Court at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.

Provision for discharge of duties of Judge in case of vacancy in his office.

57. Upon the occurrence of any vacancy in the office of Judge of Rangoon and during any absence of the said Judge, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Judge, and the Judicial Commissioner or Commissioner shall thereupon be authorized to preside in the Court of the Judge and to exercise the jurisdiction of the Judge until some person shall have been appointed by the Governor General in Council to fill or officiate in the office of Judge of Rangoon and shall have entered upon the discharge of the duties of such office, or until the Judge shall have returned from such absence.

Mode of disposing of suit where Judge is interested.

58. When any suit or proceeding comes before the Judge of Rangoon in which he is a party or personally interested, he shall unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judge to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Appointment of ministerial officers.

59. The ministerial officers of the Court of the Judge of Rangoon shall be appointed by the said Judge, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary, but the removal or suspension of any officer drawing a salary of 100 rupees or upwards shall be subject to the orders of the Chief Commissioner.

CHAPTER VI.

SPECIAL COURT.

Constitution of special Court.

60. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Judge of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court as an assessor. Such Commissioner shall record his opinion in the case, but the decision shall rest with the Judicial Commissioner and the Judge of Rangoon.

Appeals from Judge of Maulmain.

61. Appeals from orders and decrees passed by the Judge of the town of Maulmain in civil suits and proceedings shall, where appeal is allowed by law, be heard and determined by the Special Court. Such appeals shall be presented in the Court of the Judicial Commissioner.

Appeals from Judge of Rangoon in criminal cases.

62. Any person convicted on a trial held by the Judge of Rangoon as a Court of Sessions may appeal to the Special Court. Such appeal shall be presented in the Court of the said Judge.

Judicial Commissioner or Judge may sit as Special Court at the request of the other.

63. If, in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the Judicial Commissioner and the Judge of Rangoon shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case.

Chief Commissioner may direct cases to be tried by Special Court.

64. It shall be lawful for the Chief Commissioner to direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, shall be tried before the Special Court.

Rules as to finding of Special Court in case of difference of opinion arising.

65. When a difference of opinion arises in the Special Court, the following rules shall be observed :—

(1). If the difference of opinion arise in a civil appeal, and be on any question of fact, and if either the Judicial Commissioner or the Judge of

Rangoon agrees with the finding of the Court from whose decision the appeal has been made, the finding of that Court shall be upheld.

(2). If the difference arise in a civil appeal, and be on a point of law or usage having the force of law, or the construction of a document, the ruling of the Court from whose decision the appeal has been made shall be upheld, unless either the Judicial Commissioner or the Judge of Rangoon be of opinion that the point should be referred to the High Court of Judicature at Fort William in Bengal, in which case they shall state the point as to which they differ, and forward the statement with their respective opinions thereon to such High Court.

(3). In all other cases, the point shall be referred to the High Court with a similar statement of opinions.

Decree may be passed contingent on opinion of High Court, but execution not to issue.

66. Where the reference is in a civil suit, the Special Court may proceed in the case notwithstanding such reference, and may determine the suit contingent on the opinion of the High Court on the point referred; but no execution shall be issued in any civil case in which a reference shall have been made until the receipt of such opinion.

Procedure of High Court on reference.

67. The High Court shall proceed to determine the point referred, as if it were an appeal instituted in such Court. A copy of the determination shall be sent to the Court from which the case was referred to the Special Court, and such Court shall dispose of the case accordingly.

The costs of reference.

The costs, if any, consequent on the reference of the case for the opinion of the High Court, shall be costs in the suit or appeal.

Decree of Special Court to be deemed a decree of original Court.

68. Any decree or sentence passed by a Special Court as above constituted shall issue as and be deemed to be a decree or sentence of the Court from which the case was referred to the Special Court.

Rules for Special Court.

69. The Judicial Commissioner and the Judge of Rangoon may in concurrence, and subject to the orders of the Chief Commissioner, frame rules of practice and for regulating the times and places of the sittings of the Special Court. Any difference of opinion in regard to such rules shall be decided by the Chief Commissioner.

SCHEDULE.

No. and year.	Title.	Extent of repeal.
I of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said Territory.	The whole.
XXI of 1863 ...	An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmein in British Burma, and to establish Courts of Small Causes in the said Territory.	The whole.
XXIV of 1863 ...	An Act to amend Act I of 1863.	The whole.
III of 1866 ...	An Act to confer increased powers upon the Registrars of the Recorders' Courts in British Burma, and for other purposes.	The whole.

STATEMENT OF OBJECTS AND REASONS.

It having been determined to appoint a Judicial Commissioner for Burma, the object of this Bill is to provide for the constitution of that Officer's court, and to carry out certain modifications of the existing legal machinery of the province which experience has shown to be desirable. Provision is made for a special Court, consisting of the Judicial Commissioner and another officer, which will in certain cases sit as the final Court of Appeal, and will dispose of capital cases against European British Subjects.

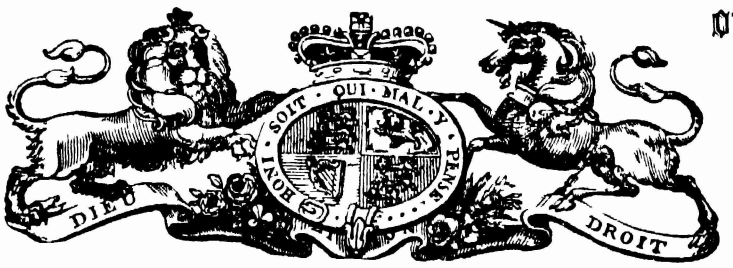
J. F. STEPHEN.

The 21st December 1871.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 1 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 6, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, of which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Thursday, the 21st December 1871.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. P., G.M.S.I., *presiding.*

The Hon'ble John Strachey.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
The Hon'ble B. H. Ellis.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble F. R. Cockerell.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.

INLAND CUSTOMS BILL.

The Hon'ble SIR RICHARD TEMPLE, in moving for leave to introduce a Bill to consolidate and amend the law relating to Inland Customs, said it would be in the recollection of the Council that, a few months ago, he

had obtained leave to introduce a Bill to provide for some slight amendment in the mode of levying Customs Duties in the North-Western Provinces. Since then it had been found that that was not the only point in which the law required some amendment in details, and it had been considered that it would be desirable to take this opportunity of completing all these small amendments and consolidating the law, which was now scattered in several Acts, into one comprehensive enactment. Hence it was that the Bill which he had already obtained leave to introduce had not been proceeded with, and that it had been merged into this larger Bill which he now asked leave to introduce. The Bill in question contained a good many details on which, if the Council permitted its introduction, we should obtain the advice, step by step, of the responsible Department of Revenue, Agriculture and Commerce; and all these points could be, of course, most carefully considered when the Bill would be referred to a Select Committee.

With these observations he asked leave to introduce the Bill as it was set forth in the paper to-day.

The Motion was put and agreed to.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STEPHEN moved that His Honour the Lieutenant Governor of Bengal be added to the Select Committee on the Bill for regulating the procedure of the Courts of Criminal Judicature not established by Royal Charter. He said that His Honour had expressed a wish to be added to the Select Committee on this Bill, and there could be no doubt that his presence and assistance in Committee would be of great importance.

The Motion was put and agreed to.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN presented the report of the Select Committee on the Bill to legalize marriages between certain Natives of India not professing the Christian Religion. He said that he would request the permission of His Excellency the President that the Bill as now amended by the Select Committee be published. This Bill had been re-cast twice since its introduction, with the title mentioned in the List of Business, by his predecessor, Sir Henry Maine. It was introduced in the form of a Bill for legalizing the marriages of the Bráhma-Samája some months ago. A difficulty had been found in connection with the Bill, as last introduced, in consequence of differences of opinion amongst the members of that persuasion. The Bill, as it stood, would, with His Excellency's permission, be published in the Gazette, and MR. STEPHEN hoped, after the expiration of some reasonable time, say a few weeks or a month, that the Bill might be taken into consideration by the Council and then be finally disposed of. He did not wish to say anything more on the subject at present, but he was afraid that he would have to address the Council at very considerable length when the Report of the Committee came on for consideration.

OATHS AND DECLARATIONS BILL.

The Hon'ble MR. STEPHEN also presented the report of the Select Committee on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindoos and Mahometans).

NATIVE PASSENGER SHIPS ACT AMENDMENT BILL.

The Hon'ble MR. CHAPMAN introduced the Bill to amend Act XII of 1870, the Native Passenger Ships Act, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said, this Bill would remove all uncertainty as to the applicability of the existing law to steam vessels. It was never intended to exempt them from its provisions; and the defect which it was now proposed to remedy was not discovered until the Act came under the scrutiny of the law officers in connection with a memorial to the Government of India from the Agents of certain Steam Companies. The memorialists, under the belief that the Act applied to their vessels, remonstrated against what they considered the unnecessary stringency of some of its provisions, especially those for the regulation of space. They argued, and MR. CHAPMAN thought fairly and reasonably, that it was not right to insist on the same amount of space in the case of a well-found, well-ventilated, speedy steamer, as was necessary in the case of an old tub of a sailing vessel that might take weeks beating up the Red Sea.

In this Bill he had endeavoured to meet their objection by giving the officer appointed to grant the certificate discretionary power to allow of a diminution of space in case of steamers, provided that the space between decks should never be less than nine superficial and fifty-four cubical feet for each passenger. He had thought it best to modify the law in this permissive manner, because, of course, there was great variety in the class of steamers likely to be engaged in this carrying trade; and it was possible that, in some cases, it might be advisable to insist on the full amount of space fixed for sailing vessels, namely, twelve superficial, and twenty-two cubical, feet. He also proposed that the same officer should, in the case of steamers fitted with serviceable condensers, have the power to allow a reduction in the quantity of stored water specified in section 21, provided that the quantity should in no case be less than at the rate of three gallons per passenger for each week of the estimated duration of the voyage.

A copy of the Bill had been forwarded to the Local Governments for their early opinion after consulting those interested in the subject, and MR. CHAPMAN hoped their replies might be received in time to admit of the Bill being passed as speedily as possible.

The pilgrim season had now commenced, and it was consequently advisable that there should be no avoidable delay.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to amend Act XII of 1870, the Native Passenger Ships Act—The Hon'ble Messrs. Stephen, Cockerell, Stewart and Bullen Smith and the Mover.

The Council adjourned to Tuesday, the 2nd January 1872.

CALCUTTA;
The 21st December 1871.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ABSTRACT OF INTERNATIONAL TRAFFIC BY THE INDO-EUROPEAN AND RED SEA LINES.

FOR THE MONTH OF APRIL 1871.

ROUTES.	Number of Messages by each Route			Percentage of Total Number	
	To India	From India	Total	To India	From India
Viâ Teheran	584	356	940	36 85	15·03
„ Turkey	338	910	1,248	21 32	38 41
„ Suez	663	1,103	1,766	41·83	46·56
Total ..	1,585	2,369	3,954	100·00	100·00
MAY 1871					
Viâ Teheran ...	1,217	536	1,753	66·00	21·25
„ Turkey	139	957	1,096	7 54	37·95
„ Suez	488	1,029	1,517	26·46	40·80
Total ..	1,844	2,522	4,366	100·00	100·00
JUNE 1871.					
Viâ Teheran	1,078	618	1,696	53·26	23 90
„ Turkey	308	995	1,303	15·22	38·48
„ Suez	638	973	1,611	31·52	37·62
Total ...	2,024	2,586	4,610	100·00	100 00
JULY 1871.					
Viâ Teheran	814	783	1,597	47·83	33·05
„ Turkey	184	605	789	10·81	25·54
„ Suez	704	981	1,685	41·36	41·41
Total ...	1,702	2,369	4,071	100·00	100·00
AUGUST 1871.					
Viâ Teheran	640	588	1,228	39·41	26·02
„ Turkey	223	732	955	13·73	32·39
„ Suez	761	940	1,701	46·86	41·59
Total ...	1,624	2,260	3,884	100·00	100 00

ABSTRACT OF FOREIGN MESSAGES FOR THE MONTH OF JULY 1871.

Description.	Route. Via Teheran. No.	Via Teheran. Indian Value.	By British Indian Submarine Cable. No.	By British Indian Submarine Cable. Indian Value.	Via Turkey. No.	Via Turkey. Indian Value.	By British Indian Extension Cable, &c. No.	By British Indian Extension Cable, &c. Indian Value.	Total. Indian. No	Total. Indian. Share of Value.
		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs A.
To and from Indian Stations.										
Sent	783	5,506 2	981	3,502 9	605	2,695 2	231	1,073 6	2,600	12,777 3
Received	814	5,438 9	704	4,703 6	184	891 2	233	1,306 12	1,935	12,339 13
Total ...	1,597	10,944 11	1,685	8,205 15	789	3,586 4	464	2,380 2	4,535	25,117 0
Transit Messages.									Transit.	
From East to West	...	...	959	5,225 2	...	...	...	...	959	5,225 2
„ West to East	120	670 12	675	3,228 4	113	436 8	...	...	908	4,335 8
Total ...	120	670 12	1,634	8,453 6	113	436 8	...	...	1,867	9,560 10
Grand Total ...									6,402	34,677 10

AUGUST 1871.

Description.	Via Teheran. No.	Via Teheran. Indian Value.	By British Indian Submarine Cable. No.	By British Indian Submarine Cable. Indian Value.	Via Turkey. No.	Via Turkey. Indian Value.	By British Indian Extension Cable, &c. No.	By British Indian Extension Cable, &c. Indian Value.	Total. Indian. No	Total. Indian. Share of Value.
To and from Indian Stations.										
Sent	588	3,966 8	940	3,458 6	732	3,439 6	261	1,464 4	2,521	12,328 8
Received	640	4,345 10	761	5,788 14	223	945 8	310	1,905 2	1,934	12,985 2
Total ...	1,228	8,312 2	1,701	9,247 4	955	4,384 14	571	3,369 6	4,455	25,313 10
Transit Messages.									Transit.	
From East to West	2	7 8	913	4,578 14	...	...	...	...	915	4,586 6
„ West to East	125	537 8	694	3,255 6	106	546 0	...	...	925	4,338 14
Total ...	127	545 0	1,607	7,834 4	106	546 0	...	...	1,840	8,925 4
Grand Total ...									6,295	34,238 14

R. MURRAY, *Lieut. Colonel,*
Offg. Director General of Telegraphs in India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FUSL RUBBEE IN THE PUNJAB UP TO 31ST OCTOBER 1871.

Canal Division.	Water distributed during October. Depth in Canal at Regulating Gauge. Full Supply.	Actual throughout October.	Gross Consumption C. Ft. per Second. Estimated Full Supply.	Actual average throughout October.	Navigation Return Canal. Principal Items of Traffic. Up.	Down.	Land Irrigated (approximate). Zillah.	Acres.	Rain-fall. Average.	During month.	Chief Crops (approximate). Name.	Area in Acres.	Remarks.
Baree Doab Canal. 1st Division ...	4·90	3·44	3073·6	950·92	Nil	Nil	Goordaspoor	2,052	0·16	Nil	Wheat ...	2,821	67·31 cubic feet per second passed out the various escapes. The approximate decrease in area irrigated is 6,144 acres; this is attributed on 1st Division to increased water-rate, and water advantage rate, on the 2nd Division; the whole of the returns were not sent in.
2d Divn. Main Branch, Lower	4·60	3·45		1016·64			Umritsur ..	1,301	...	...	Barley ...	169	
2d Divn. Lahore Branch ...	3·30	2·96		679·55			Lahore ...	1,134	0·22	Nil	Mixed grain	649	
											Others ...	848	
Total B. D. Canal ...	...	...	3073·6	2647·11	Nil	Nil	...	4,487	...	...	...	4,487	
Corresponding period of last year ...	...	...	3073·6	2503·65	Nil	Nil	...	10,631	...	...	...	10,631	
Western Jumna Canals. Kurnaul Division ...	4·33	4·30	2546·00	467·67		18,579	Umballa ...	...	0·501	Nil			Only 9·0 cubic feet per second passed out of the different escapes. There is a slight increase over the month corresponding of last year in the area irrigated of 7,241 acres.
Delhi " ..	4·40	4·40		820·20		Kurries,	Kurnaul ...	5,745	0·4	Nil	Wheat ...	41,337	
Hansi " ...	8·80	8·70		979·74	Nil	Bullies,	Delhi ...	11,774	...	.	Barley ..	600	
" Bulla Head ...	8·40	8·10		268·64		and Logs.	Rohtuck ...	9,490	0·4	Nil	Mixed grains	2,648	
							Hissar ...	7,575	0·4	Nil	Others ...	748	
							Jheend ...	10,749	...	...			
							Bikaneer ...	..	...	...			
Total W. J. Canals ...	...	...	2546·00	2536·25	Nil	18,579	...	45,333	...	...	...	45,333	
Corresponding period of last year ...	...	...	2546·00	2291·72	Nil	9,082	...	38,092	...	...	...	38.092	
Inundation Canals. Upper Sutlej Division ...	...	...	...	...	...	...	Lahore ...	3,000	...	...	Detail not obtainable for want of establishment.		There is a large increase in the returns for this month as compared with last year, but the excesses are in great measure due to the returns not having been received when October 1870 return was made out.
Lower Sutlej and Chenab	..	...	...	...	...	...	Montgomery	25,000	...	...			
Indus Canals ...	...	...	...	...	...	...	Mooltan ...	68,671	...	...			
							Dera Ghazee Khan ...	20,407	...	...			
Total Inundation Canals ...	...	...	...	...		.	...	1,17,078	...	...	...	...	
Inundation Canals. Corresponding period of last year .	...	...	...	...	...	...	...	15,000	...	...	...	...	
Delhi and Goorgaon Works	...	...	...	...	...	...	...	...	...	...	...	...	
Total Delhi and Goorgaon Works ...	...	...	...	...	...	...	...	...	...	...	...	...	
Perennial Canals—Corresponding period of last year	...	...	...	...	...	9,082	...	48,703	...	...	...	48,723	
Perennial Canals—Grand Total ...	...	...	...	...	...	18,579	...	49,820	...	...	...	49,820	

Lahore

BROADFOOT, *Lieut., R.E.,*

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

COMMISSIONER OF COTTON AND COMMERCE WITH THE GOVERNMENT OF INDIA.

Extract from the Proceedings of the Government of India, in the Department of Agriculture, Revenue and Commerce,—Nos. 54 *A to Q, dated Fort William, the 29th December* 1871.

[COMMERCE AND TRADE.]

READ again—

Home Department Resolution, No. 2748A, dated the 6th June 1871, and the papers cited in the preamble thereof, regarding the formation of the Department of Agriculture, Revenue, and Commerce.

RESOLUTION.—Though at present nominally Cotton Commissioner for the Central Provinces and the Berars only, Mr. Rivett-Carnac is in fact already employed on work of a similar nature in the North-Western Provinces; his services will doubtless be also utilised elsewhere, while his proposed employment in the collection and record of commercial statistics, will range over a great part of British India. It is thought desirable, therefore, that he should be formally attached to the Government of India and in immediate subordination to the Department of Agriculture, Revenue and Commerce. His Excellency in Council has, accordingly, been pleased to appoint Mr. Harry Rivett-Carnac to be Commissioner of Cotton and Commerce with the Government of India.

2. This change of designation will in no way affect Mr. Rivett-Carnac's present responsibilities, either as regards the interests of the cotton trade or the other duties on which he is now engaged, or which may hereafter from time to time be entrusted to him ; nor will it involve any increase of expenditure, inasmuch as Mr. Rivett-Carnac and his office establishment will be attached to the Government of India on the salaries now received by them.

3. It is very desirable that the duty of collecting and arranging on a systematic plan the statistics of the Trade of British India, and of reporting thereon, as well as on other cognate matters, should be entrusted to a single officer. Much attention has already been given to the subject by Mr. Rivett-Carnac, whose present office as Cotton Commissioner for the Central Provinces and the Berars involve continuous and close enquiry by him into the course of trade. The Governor General in Council, therefore, considers that this duty may most fittingly be allotted to that officer.

4. The Public Works Department will be requested to supply, and to invite the various Railway authorities to supply Mr Rivett-Carnac with all available statistics of the traffic on the several lines of Railway, and of the river traffic carried by the Indus and other flotillas. The local Governments and Administrations will also be requested to aid him similarly with all returns of road and river traffic, and generally with all statistics referring to the trade of each province which can be made available.

ORDER.—Ordered, that a copy of this Resolution and copy of the Notification No. 55, dated 29th instant, be communicated for information and guidance to the Local Governments and Administrations, and the Departments named in the margin.

The Government of Madras.
" " Bombay.
" " Bengal.
" " the North-Western Provinces.
" " the Punjab.
The Chief Commissioner of Oudh.
" " the Central Provinces.
The Chief Commissioner of British Burmah.
" " Mysore and Coorg.
" " Ajmir.
The Resident at Hyderabad.
The Home, Foreign, Financial, Public Works, and Military (Marine) Departments.

ORDERED also—that the Resolution be published in the *Gazette of India*, and communicated with the Notification to Mr. H. Rivett-Carnac.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

CULTIVATION OF TOBACCO IN THE MADRAS PRESIDENCY.

No. 213.

Read the following Proceedings of the Board of Revenue, dated 28th August 1871, No. 3704.

Read the following letter :—

Dated Ootacamund, the 28th July 1871.

From—*The Government Quinologist,*

To—*The Acting Sub-Secretary to the Board of Revenue.*

In accordance with the wish expressed in Board's Proceedings, No. 2670 of July 3rd, 1871, I have the honor to submit certain analyses of tobacco which I have received from the Board of Revenue or from certain Collectors.

2. I beg to quote these in continuation of those contained in my report appearing in Proceedings of Revenue Board, No. 2778 of 7th July 1871. These analyses, I believe, complete an examination of the tobaccos of the Madras Presidency. An explanation of the meaning of the numbers will be found in report above referred to.

Nos.	Tobaccos received from	Percentage of Ash.	Percentage of Potash.	Percentage of Nicotine.
54	Kistna Chebrole	19·03	15·36	3·53
55	„ Oodoomoodi (Lunka)	18·6	11·19	2·04
56	„ Umidapilly („)	17·85	15·38	1·38
57	„ Tattapoodi („)	19·53	8·72	2·22
58	„ Alamur („)	20·30	10·66	2·63
59	„ Kadar („)	17·97	11·36	4·27
60	„ Aukampalloo(„)	16·63	12·14	2·56
61	„ Purshotmill („)	20·08	13·73	2·84
62	„ Narakamill („)	19·13	19·01	3·55
63	„ Kotoonga („)	19·18	17·69	3·84
64	Coimbatore Madhally	23·45	5·33	2·32
65	„ Satiamungalum (A)	17·09	14·74	2·88
66	„ „ (B)	21·34	8·87	3·74
67	„ „ (C)	25·14	9·14	3·02
68	South Canara	17·30	5·6	4 98
69	South Arcot (not labelled)	21·61	13·32	4·26
70	„ Manaloor Patay	4·84	8·63	1·86
71	North Arcot, Arcot	24·48	5·32	1·56
72	„ Arnee	22·08	2·05	3·55
73	„ Wandiwash	24·32	2·74	3·13
74	„ Vellore	19·78	2·75	3·13

3. The tobaccos from the Kistna District grown on the Godavery, are by far the highest in quality of any Indian tobacco that I have examined. Nos. 55, 57, 58, 60 and 61 are specimens of tobacco of real excellence. Nos. 57 and 58, though different in flavour, would be, I think, considered of equal quality with Manilla tobacco. It will be observed that tobacco from this District differs from that grown in most part of South India in containing a large proportion of potash in its ash. I have no doubt whatever that if seed of the better foreign kinds were sown in the soil that produced the specimens I have analysed, tobacco would be grown quite equal to the foreign kinds. Nos. 54, 56, 59, 62 and 63 are by no means of bad quality; but the latter differ somewhat in degree from that of the tobaccos that are most favoured in Europe. The general deficiency of organic salts of potash is undoubtedly the main defect of the tobaccos of the Presidency, and the remedy of this deficiency, by suitable cultivation and the

application of potassic manures, will be the first step towards the improvement of tobacco cultivation.

4. The specimens of tobacco received from Satiamungalum, close to the foot of the Nilgiris, are of good quality, and are the best I have received from Coimbatore. Satiamungalum is a place where the seeds of foreign tobaccos would have a great chance of success if cultivated like the native kinds, and if the native dislike to novelties in cultivation gives them fair play.

5. The only other kind of moderately good quality I have met with, is that from Manaloor Patay in South Arcot. The employment of jaggery water in the curing of tobacco, though doubtless rendering the leaves more easy of manipulation, is detrimental to the quality of the tobacco according to the European standard.

6. The greater number of the specimens of tobacco that I have received, testify to the general want of care and attention in their drying and curing in comparison with the good foreign tobaccos. Full attention to the details of these processes will, however, be quite necessary to the production of good tobacco, more especially if it be employed in the manufacture of cigars.

Submitted to Government, in continuation of Board's Proceedings, No. 2778, dated 7th July 1871, embodied in Government order, No. 1313, dated 27th idem.

2. The Board imagine that the specimens so favourably spoken of by Mr. Broughton in paragraph 3, must have been received from the Collector of *Godavery* (who promised to send samples in his letter No. 397, dated 7th December 1870, recorded in Board's Proceedings, No. 132, dated 11th January 1871). Mr. Broughton is requested to make inquiries on this point. The Board believe that tobacco is not much grown on the islands of the Kistna.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

RESULT OF THE EXPERIMENTAL CULTIVATION OF CAROLINA RICE IN THE MADRAS PRESIDENCY

Extract from the Proceedings of the Government of Madras, in the Revenue Department, dated 11th December 1871.

Read the following Proceedings of the Board of Revenue, dated 20th November 1871, No. 4788 :—

Read the following Proceedings of the Madras Government, dated 21st August 1871, No. 1417, Revenue Department.

ABSTRACT.—*Carolina Rice.*—Proceedings of the Government of India respecting the cultivation of this rice in India, forwarded to the Board of Revenue for the report required by that Government as to the results obtained here, &c.

In the foregoing Proceedings of Government the Board are called on to forward, for transmission to the Government of India, a report on the experimental cultivation of Carolina rice in the Madras Presidency, and a summary of the various reports received from Collectors and others who have undertaken the cultivation of the American rice since 1866 is herewith submitted.

2. Supplies of the seed have been forwarded from time to time to all the Collectors, and the experiments have been made both with freshly-imported seed, and also with acclimatised seed obtained from previous crops grown from the seed imported from America.

3. In the following outline of the reports received by the Board each district will be considered separately.

4. *Malabar.*—From Malabar reports were sent in June 1866, March and May 1867, and in May 1868. The first trial appears to have been a failure, which was attributed to the seed having been sown too late in the year, which, however, could scarcely have been the cause, as autumn has been shown to be a favorable season for sowing.

5. The report dated March 1867 is very much more favorable. In one of the most successful trials made, the seed was sown in June and reaped rather more than four months afterwards. The seed was steeped in water for five days before it was sown, and the ground was prepared by ploughing five times and manuring with cowdung, leaves, and ashes. The crop was transplanted before reaping. Almost all the characteristics of the Carolina paddy given in the "Resolution" of the Government of India on the subject were recognised in this case.

6. The report received in May 1867, dated from Tellicherry, was, on the whole, highly favorable. All methods of sowing were tried, and the conclusion arrived at was, that it is most in accordance with the natural habit of the plant to sow it broadcast, but that the outturn from a transplanted crop would probably be greater. It was found that the seed should not be sown too thickly, as the shoots thrown out are very much more numerous than in the case of indigenous rice and require more space. The best alluvial soil appeared to be most suitable for the cultivation of this plant, and, except under exceptional circumstances, the land should be artificially irrigated. The results of nineteen experiments were given, and in every case which did not entirely fail, the outturn was far greater than that from indigenous paddy sown at the same time, the largest yield reported being one hundred and sixty-fold. The natives were said to be much struck with the superior qualities of the rice straw, and to be anxious to cultivate it.

7. The experiments reported on in May 1868 appear to have failed from over irrigation.

8. *North Arcot.*—The first report received from North Arcot in March 1866 was unfavorable, the seed supplied having been at fault; but in March 1867 a very full report was received, which showed that the cultivation of Carolina paddy had been most successful.

The Collector, the Sub-Collector, and Head Assistant each conducted experiments, and all with a certain amount of success.

The natives appear in each of these experiments to have been unanimous in praise of the qualities of the rice: they seemed, however, to think the straw too coarse for fodder.

9. The method of cultivation adopted appears to have been similar to that employed in the culivation of ordinary Indian paddy, the land being frequently ploughed, copiously flooded, and manured with leaves, cattle litter, &c.

The seed, after being steeped in water for three days, was sown broadcast, being then in a incipient state of germination, and the ground was not again irrigated for five days, after which time, until a few days before reaping, it was constantly irrigated.

10. A further report from this district in April 1871 shows, that the cultivation of the American rice has been continued with success. In one case six measures of seed produced 240 measures of grain and eight bundles of straw, and in another the produce of nine measures of seed was 345 measures of rice and 14 large bundles of straw, this latter being the result of an experiment conducted by the Collector.

11. The results of cultivation by ryots were reported in May 1871, from which it appeared that the experiments had failed, it is to be presumed, from carelessness on the part of the cultivators.

12. *Nellore.*—Unsatisfactory reports were received from Nellore in 1866, 1868, and 1869, want of care in the cultivation being the reason of the failures.

13. In April 1871, a very full and satisfactory report was received from the Deputy Collector at Naidoopet. No pains appear to have been spared to make this experiment a success. Three different systems of cultivation were tried, namely, sowing broadcast, in seed-beds (to be afterwards transplanted), and in furrows, in this latter case a kind of hoe being used.

The land was ploughed and manured as for ordinary paddy, one field being ploughed dry and the other two wet.

The seed sown in furrows was not steeped in water nor prepared in any way, and it was sown in the field which had been ploughed dry.

14. The land in this case was not irrigated at all until the plants were eight or nine inches in height, or a month after sowing, and before irrigation the ground was twice turned up with a hoe between the furrows, and the crop was weeded. After watering had been commenced it was continued, and the crop was again weeded two months and a half after sowing. The crop was sown on the 18th of August and reaped on the 2nd of the following January.

15. The outturn was not greater than that of ordinary paddy, but this was because only five per cent. of the seed sown was supposed to be vital; and it was confidently asserted that had all the seed sown been good, the yield would have been very much more than that of any indigenous paddy.

16. Both the other crops failed, and, as will appear from a report of experiments made by Dr. Thompson at Chingleput, it seems probable that the plan adopted by the Deputy Collector at Naidoopet, of dry-sowing and irrigation after the lapse of a month, is favorable to the growth of the American plant.

17. *Kistna District.*—Reports were received from the Kistna District in June 1866, September 1870, and April 1871. The experiments do not seem to have been very successful. Various methods of sowing were adopted, and in some cases the seed was prepared by being soaked in water. The most successful result was an outturn of eighteen-fold, but the report does not state in what manner this crop was cultivated.

18. *Godavery District.*—The experimental cultivation of Carolina paddy in the Godavery District was reported an entire failure until the present year. Reports were received in December 1866, January and April 1868, and August 1869, and the failures were attributed to ignorance as to the peculiar method of cultivation required.

19. The latest report, however, is much more favorable. In this trial the seeds were soaked in water for sixteen hours, then watered in gradually decreasing measure for nine days, and then sown. The crop was treated as "wet" and was transplanted. According to the report it seems that 6 pounds and 6 ounces of Carolina paddy seed produced 2,464 pounds of rice, the yield from 308 pounds of Indian seed being 2,480 pounds. It was found that the American plant is liable to be damaged by over-irrigation.

20. *Ganjam.*—This latter characteristic of the Carolina paddy was mentioned in the reports received from Ganjam, the first of which is dated December 1866. Further reports were forwarded in September 1867, December of the same year, February, March, and December 1868. In all the experiments made, the method of cultivation was similar to that of the superior kinds of indigenous paddy, and it was found that a dry season was most favorable to the cultivation of the American paddy. The earlier experiments made in this district appear to have been fairly successful, but the later reports are not satisfactory, and failures are stated to arise in most cases from carelessness on the part of the cultivators.

21. *Kurnool.*—A favorable report was received from Kurnool in February 1867; the seed was sown in the same manner as the Indian paddy, and the outturn was nearly half as much again.

Other reports were received in April and May 1868, and in the same months in the following year, but with one exception they were unfavorable.

22. The trial reported on in April 1869 was a success, the outturn being fiftyfour-fold. This crop was a wet one, and had been transplanted. The latest report from this district is dated November 1870 and is unfavorable, the cause of failure being, as in so many other cases, want of attention.

23. *Vizagapatam.*—Several reports were forwarded from Vizagapatam, but the cultivation of the American rice in that district seems to have almost entirely failed. In August 1869, out of eight experiments reported on, two only were in any way successful. But little interest appears to have been aroused among the native cultivators. Their indifference and consequent carelessness is probably the cause of the failure.

24. *Salem.*—The Carolina paddy appears to have thriven well in the Salem District. The reports are dated April and August 1867, December 1868, and October 1869. In some cases the outturn was sixty-fold, and in another as much as seventysix-fold. This crop was sown in the early part of August and reaped at the end of November.

25. The advantages of the American over the Indian rice were fully recognised, and in a report from Mr. Fischer, the Agent of the Shevagunga Estate, the whiteness and superiority of the rice is noticed, and also the fact that the grain is not so liable to drop from the stalk when cut as in the case of ordinary rice, thereby preventing waste. This same characteristic of the American rice is noticed in other reports, but rather as a disadvantage on account of the supposed difficulty of threshing.

26. In the experiments made in this district, the seed was sown broadcast and was not transplanted, and it was noticed, as in other districts, that less irrigation is required than with indigenous paddy.

27. *Tinnevelly.*—The earlier reports from Tinnevelly were not favorable, and the failure in some cases was stated to be caused by the seed having deteriorated from age.

28. A full and satisfactory report was received in August 1870 of an experiment made by Dr. Thompson, Superintendent of the Jail at Palamcottah. When in charge of the Jail at Chingleput, Dr. Thompson had given his attention to the cultivation of Carolina paddy, and a very full and favorable report was forwarded on that occasion. The reports received from Dr. Thompson will be noticed further on.

29. *South Arcot*—The experimental cutivation of the rice in South Arcot appears to have been, on the whole, successful, although a great deal of the seed supplied to the cultivators was bad, being too old. The ryots were stated to take an interest in the culture of the new grain.

30. Several instances are mentioned in the various reports, of a fear which seemed to posses the ryots lest the cultivation of so productive a species of rice should entail some addition to the assessment on their lands; and in one report from South Arcot in July 1869, it was observed that in one of the most successful experiments by a ryot, a false report of the outturn had been made, and the crop, which was, in truth, very large, represented as very poor.

31. *Tanjore.*—The experiments made in Tanjore cannot be considered successful.

In a report dated June 1867, the Collector states that out of nineteen trials only two could be considered in any way successful. He alludes to the known method of planting this rice, broadcast, in America, but observes that trans-

planting appeared the better method in this country. The two crops which succeeded were both transplanted. It may be here observed, that in their orders* on an unfavorable report from Ganjam in March 1868, Government recommend that the Carolina seed should be sown broadcast, and not transplanted.

* Goverment order of 4th May 1868.

32. Several of the experiments in Tanjore were stated to have failed from the inequality of the rain supply. The latest report, dated April 1871, was not encouraging. It is stated that more labor is required than for the cultivation of ordinary paddy. The land has to be ploughed deeper, and more† caution is said to be required in transplanting. The difficulty of separating the grain from the stalk was also made an objection, although the same was quoted in other reports considered above as a great advantage.

† The very opposite of this is remarked in other reports, where it is stated that the American plant will bear any amount of rough treatment when being transplanted.

33. *South Canara.*—The earlier reports from South Canara in 1867, 1868, and 1869 showed that the same characteristics had been recognised in the American rice as in other districts, but the results of the cultivation were not very successful. The seed was sown in the same way as native paddy. In 1868 the crop was transplanted, but was reported to be damaged by flooding, thus confirming the reports from other districts as to the liability of the plants to suffer from too much water.

34. The report in 1869 was more favorable.

In two experiments the yield was seventyfour-fold and fortyfour-fold, respectively. The crop in the first was transplanted, and in the latter sown broadcast, but it appears to have been sown too thickly.

35. From a report received in July 1871, it appears that the experimental cultivation in the previous year was not successful.

In two cases where adjacent crops had been sown—the one broadcast, the other transplanted—the former far exceeded the latter in yield and quality. These two crops were sown on one-crop land, whereas other seed sown on two-crop land entirely failed.

It appeared also from these experiments that Carolina rice does not require so much manuring as Indian paddy. The crops appear to have been irrigated from the time of sowing, and the failure was probably owing, as in other cases, to over-irrigation.

The most successful experiment appears to have been conducted by a wealthy proprietor in the Kassargod Talook In this case the ordinary native method of cultivation was employed, and the seed sown broadcast, and not transplanted. The cultivator in this case was quite satisfied with the result, and has sown a considerable extent of land with Carolina paddy.

36. *Madura.*—The first experiments reported from Madura in August 1867 were not very successful. The seed was distributed to several native cultivators and the usual method of sowing adopted, which in this district is by transplanting. Some of the seed was also sown broadcast.

The season was very unfavorable, but the ryots reported that but for this the yield of the Carolina would have greatly exceeded that of the native paddy. Failure was again reported in July 1869, and in this case it was attributed to the deterioration of the seed from age.

37. *Bellary.*—The report from Bellary in September 1867 corroborates the other reports as to the nature of the Amercian rice, and the experiment was fairly successful. The seed appears to have been sown broadcast too thickly, and the soil was inferior, otherwise the outturn would have been large.

A further report from Bellary states, that the experiments conducted in the following year were not very successful. The same method of sowing as before was resorted to, and the greatest outturn was thirtyfour-fold.

38. *Cuddapah.*—From a report received from Cuddapah in June 1868, it appears that the season was very unfavorable, and that of eight trials made by native cultivators, one only succeeded.

In this case the seed was sown in the ordinary way, and no extra expense was incurred. The outturn was nearly sixty-fold.

39. In an experiment reported on in March 1870, great care seems to have been taken in the preparation of the ground, which was ploughed and watered a month before sowing, and received afterwards two ploughings each day on the fifth and second days before sowing. The land was manured with leaves and dung and again ploughed, and the seed (which had been kept moist for three days after 12 hours' previous soaking) was then sown. The land was irrigated on each ploughing and on the day of sowing, but the water was not again let in till the plants appeared above the surface. The irrigation after that was continuous.

The result, however, was not very satisfactory, the yield being less than that of ordinary paddy; the grain and straw were, as usual, of superior character.

40. *Coimbatore.*—The first report from Coimbatore was unfavorable; the want of success was attributed to indifference on the part of the ryots.

41. A report was received in December 1869 of a very successful experiment conducted by a Mussulman ryot; the same features were observed as in other successful experiments.

42. In a report on the cultivation of Carolina rice in this district from the Superintendent of the Government Farm, Sydapet, it is distinctly stated that by being sown broadcast, American paddy is placed at a disadvantage as compared with Indian paddy, which is generally sown in seed-beds and transplanted. One cause of frequent failure is also suggested. The American paddy is frequently sown at an unusual time of the year, and being when ripe, the only ripe crop, is thereby more exposed to destruction by insects, birds, &c.

43. *Trichinopoly.*—The experiments made in Trichinopoly seem to have failed entirely.

44. *Madras.*—The reports from Madras include that received from Dr. Thompson when Superintendent of the Jail at Chingleput, as well as reports from the Superintendent of the Government Farm at Sydapet.

45. Dr. Thompson reports very fully, and the result of his experiment is most satisfactory.

It will have been observed that in nearly all the experiments reported above, the seed was first soaked in water and sometimes kept moist. Dr. Thompson, on the contrary, had the seed thoroughly dried. Both wet and dry cultivation was tried, two crops of each being sown—the one broadcast and the other in seed-beds for transplantation.

The land was prepared for the wet crops in the usual way, the seeds in this case being sown wet. The land was continuously irrigated, and one crop was transplanted from the nursery when about a month old.

The broadcast crop was reaped first, the other having been thrown back by the great heat at the time of transplanting, but recovering, and giving, it is said, an outturn of one hundred and twentythree-fold.

46. The land for the dry crop was well ploughed, cleared of leaves, and levelled. The seed was sown dry, and for some time both dry crops seemed unlikely to thrive. They were, therefore, two months after sowing converted into wet crops, and the result was an outturn from the transplanted crop nearly equal to that of the transplanted wet crop, while the broadcast crop turned out the most successful of all.

47. In their remarks on this result the Government observed:* "The seed was sown in August, having been previously well dried. The soil was sandy clay enriched with silt from the bed of a tank, and, where wet cultivation

* G. O., 15th June 1869, No. 1708.

was employed, leaves were incorporated with the soil of the nursery bed. But a larger share of success appears to have attended the cultivation of the paddy which was sown broadcast on dry land, and not irrigated until two months had elapsed."

48. If the results of the experiment made by the Deputy Collector of Naidoopett in Nellore be compared with this, it may be inferred that this postponement of irrigation (although, in the experiment at Chingleput, accidental) is highly favorable to the growth of the Carolina paddy.

49. The experiment made by Dr. Thompson at Palamcottah was reported on by the Superintendent of the Government Farm.

50. Among the reports from Madras is one received in June 1869 regarding experiments made in the sub-division of the district, which seems, notwithstanding an unfavorable season, to have been highly successful. In one case, a Carolina rice-crop, grown alongside one of the best native paddy and under precisely similar circumstances, yielded one and-a-half times as much as the latter. The advantages of the American rice are thus summed up :—

"(1.) It is a four-months' crop.

"(2.) It requires not more than one-fourth of the water required for the native kinds of paddy during the same period.

"(3.) Twenty four measures of seed suffice for the same extent of land as thirty-two measures of native seed.

"(4.) Each seed that germinates is capable of producing from ten to seventeen plants without any particular care,—a productive power not possessed by native paddy to any appreciable extent.

"(5.) The ears are, out of all comparison, larger than those of native paddy grown under the most favorable circumstances.

"(6.) The largeness of its yield.

"(7.) Its superiority as food-grain.

"(8.) It yields a larger amount of straw of a sort also more succulent and palatable than that of ordinary paddy."

In this last point the report is somewhat at variance with most of the other reports received.

51. One important point is noticed showing the estimation in which the American paddy is held, namely, that, whereas some months before the report was drawn up the seed sold for 1 anna a measure (the same as native seed), the price had risen to 2 annas a *measure*.

52. *Nilgiris.*—According to a report received from the Nilgiris in March 1871, the experiments tried there were complete failures. The seed appeared to thrive until transplanted, when in every case it died. Hares and cockchafers were supposed to have destroyed the young plants.

53. In addition to the foregoing, reports were received from Travancore and Mysore.

In the latter territory, the cultivation of the paddy (in Bangalore) was successful and the grain appreciated by the native cultivators.

The reports from Travancore and Cochin are moderately favorable, and coincide, as regards the qualities of the paddy, with other favorable reports.

In Travancore it was also noticed that the best soil for its cultivation is a mixture of clay and sand.

54. Experimental farms were established by the permission of Government (accorded in September 1869) in the Kistna District and in Cuddapah, South Arcot, Madurah, and South Canara, and some of the later experiments in these districts were conducted under the supervision of the Collectors and their Assistants.

55. In March 1869 the Board forwarded a report to Government of the result of the experiments up to that time, of which the following is an outline :—

With reasonable care and exertion, Carolina paddy may be grown in most districts with profit. Failure, as a rule, has been attributable to causes

quite within control in the average of seasons, and where real care has been taken, success has generally been the result.

The Carolina paddy is harvested as quickly as the most rapidly growing native grains and twice as quickly as most others, and is more productive in weight of grain and straw, and less dependent on a full supply of water. A smaller quantity of seed also suffices.

56. There appears, from a review of all the above-mentioned reports, to be little to add to this statement of results, though one or two points regarding the preparations of the seed and the land may be noticed.

57. It appears to have been usual to soak the seed and to sow it wet; but in one of the most successful experiments made, namely, Dr. Thompson's at Chingleput, the seed was well dried and then sown in dry soil. The reason given by Dr. Thompson for the preliminary drying of the seed is this:—On examining some of the seed sent to him he found, on peeling off the husk, a white spot occupying a third of the grain of rice and diminishing the size of the germinal spot, thereby rendering it likely that the seed would not grow, or at least, be productive. Whether this theory be correct or not, no opinion is offered, but the white spot was removed by the drying, and the successful result of the experiments made with the seed so dried seems to corroborate the theory.

The seed was sown in August.

Dr. Thompson states that he acted thus on the advice of an experienced native cultivator.

58. In the preparation of the soil, deeper ploughing and less manuring and watering are required than for native paddy, and, as remarked previously, the postponement of all irrigation for a month or two seems worthy of further trial.

59. As regards results, the summing up of the advantages of Carolina paddy contained in the "Resolution" of the Government of India has been almost entirely corroborated by the experiments hitherto made in this Presidency.

60. Of the three disadvantages named in the Resolution, the second and third have been found to exist, but not the first, for on all hands the superiority of the grain in colour and flavour has been recognised, and, as appears from the report from Madras, this grain has commanded double the price of native paddy.

61. In conclusion, it may, in a few words be asserted that Carolina paddy is in every way superior to native paddy, but that it is the growth of a higher system of cultivation than is generally prevalent in this country, which system is required to bring it to perfection and to prevent its deterioration.

It is in the early stages of its growth more delicate and requires more care, especially in sowing (so as to prevent its being sown too thickly), than is usually the case here.

The seed also is liable to deterioration.

62. In the foregoing report no mention has been made of the cultivation as carried on at the Government Farm at Sydapet, as the Superintendent of the Farm has undertaken to compile a full report of the cultivation of the Carolina paddy throughout the Presidency, for which purpose copies of all reports and statements are forwarded to that gentleman when received by the Board, and a report concerning the results obtained under his own personal inspection will, it is presumed, form part of the report promised.

63 A copy of these Proceedings will be forwarded to Mr. Robertson, who is requested to be good enough to state, with reference to the Proceedings noted in the margin, whether his promised report concerning Carolina paddy will be incorporated with the general report called for by the Government of India, and, if not, when the former may be expected.

Board's Proceedings, dated 2nd May 1871, No. 1843.
Government order, dated 19th July 1871, No. 1253.

Order thereon, by the Government of Madras.

ORDERED to be transmitted to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

STATE OF THE WEATHER AND PROSPECTS OF THE COTTON-CROP IN THE CENTRAL PROVINCES AND THE BERARS.

No. 7014, dated Allahabad, the 30th December 1871.

From—HARRY RIVETT-CARNAC, ESQ., C.S., Cotton Commissioner,

To—The Secretary to the Chamber of Commerce, Bombay.

I HAVE the honour to forward herewith extracts from the reports of the Assistants to the Cotton Commissioner, giving the latest information on the weather and crop prospects.

EAST BERAR.

2. Mr. Nago Rao, in his report, dated Oomraotee, 25th instant, writes as follows :—

"I have the honour to report that, during the past week ending 23rd instant, the weather continued to be cloudy, and a little rain also fell at Oomraotee and in its neighbourhood on the 22nd idem at night; but the fall amounted to only 10 cents at Oomraotee, and, consequently, it was not sufficient to do any good to the rubbee crops of the country. Since then the days are somewhat cloudy, but the nights are pretty cool.

"While passing from Oomraotee to this place through Mortizapore, I found that in most of the cotton-fields on the road, the picking of *kapas* was entirely over, and that *jowarree* also was reaped and gathered. I met with no rubbee crop, save a few fields, between Mortizapore and Karinjah, but between Oomraotee and Mortizapore I perceived that in most of the fields wheat was suffering much from want of moisture, and the plants in many places looked somewhat withered. Gram and other rubbee crops looked to be in better condition, but they were not as fresh and healthy as they should have been by this time of the season.

"The reports which I have received from the different parts of the East Berar country indicate that the cultivators are engaged in picking and ginning *kapas*, and that the rubbee crops of the country are suffering from want of rain."

3. Mr. Beck, the Superintendent of the Farm at Oomraotee, writing on the 23rd instant, says :—

"The weather during the past week has been cooler, and a few clouds have been passing most days. A heavy shower appeared to have fallen in the east last evening. The crops during the week have made little improvement. The bols of cotton now opening are small and few The Hingunghat plants will be finished first: they are now nearly leafless; they have not stood the season so well as the Bunnee. The Borda Jurree plants are healthy and strong, but will give a small outturn : one-fifth of the bols are opened with little *kapas*, some not yielding any; they are one month later than Bunnee and Hingunghat, and I think they would do better where there is a greater quantity of rain. The gram on the farm as compared with other crops is about equal; wheat, lac, and *ulsee* are below the average crops about here. The cultivators' fields of wheat are looking well: they have not gone back this last three weeks as they had done before. The good fields are looking well, and the worst have not improved: they appear to fall off most during the growing season. The linseed has not come up well: the temperature being hot and the soil of a very close nature have been against it. I am making another sowing on loose soil, where I think I shall be more successful."

4. And Mr. Lloyd, at Lakpooree on the same date, reports as follows :—

"Very little change has taken place since my last visit. Cotton picking is still going on in a few fields, but in most of the fields it has been all gathered. In our fields a small quantity remains to be picked, including the Dharwar. Egyptain, Sea Island, Peruvian, and Nankin will give nothing this season, but in a favourable season I have no doubt they would do well. All the *jowarree* has been cut in our fields, but a little still remains standing in the district. The rubbee crops are about the same as when I last saw them. The wheat is dying off in places; about one-third of the crops has gone off, and the remainder is very small. The caterpillars, which had attacked the grain, are not so numerous as they were, but as it is they have done a great deal of damage to the plants. Linseed is looking better and is in flower; lac is pretty good and is coming into bloom.

"The temperature during the past few days has been rather lower. A little rain fell at Oomraotee last night, but not enough to do any good to the crops."

WEST BERAR.

5. Mr. Dunlop, writing on the 25th instant from Booldana, reports as follows :—

"Since the date of my last report, I have had an opportunity of seeing something of the crops above the ghats in the Booldana District, and, from what I have been able to learn, they are certainly somewhat better than those in the plains, but still far from what they should be.

"We were threatened with rain three days ago, but, happily for the sake of the cotton, the clouds passed away. Putting cotton out of the question, it is seriously to be regretted that rain has not fallen at this time; for the water-supply of the country is at a very low ebb, and during the hot weather the distress on this account will be very great.

"Cotton comes very slowly into Khangaum, but I expect to see larger arrivals from the beginning of January, as the cultivators will then realize as much as they can in order to pay the first instalment of the land-revenue, which falls due on the 1st proximo. The receipts at Khangaum up to the 22nd instant, when I was there, amounted to only 1,600 *bojahs*, much of which was supposed to be old cotton.

"Mr. Pillans' report is annexed. The crop on the farm is being gradually secured, and I was pleased to learn some days ago that our best field has yielded up to date 101lbs. of clean cotton per acre, which, in so poor a season, is a large outturn. It was irrigated in the beginning of the season, but it received so little water that I attribute the large outturn to the ploughing more than to the irrigation.

"*P. S.*—I have just received the following statement of the exports of cotton from Khangaum by railway up to the 16th instant. The figures are :—

Full-pressed Bales.	*Half-pressed Bales.*	*Dokras.*
2,093	128	51"

6 And Mr. Pillans, the Superintendent of the Farm at Sheagaum, in his report of the 23rd instant, says :—

"The work has not differed from that of last week—the chief being picking the growing cotton, cutting and thrashing and winnowing *jowaree*, weighing and stacking *kurbee*, and irrigating. There are 4,123lbs. of *kapas* picked up to date, which is chiefly Bunnee and Hingunghat; Jurree is just commencing. Some of the fields show pretty well.

"The cereal crops are not promising well at all: the wheat and gram does not look well; lac is fair, and about the best of any cereals I have; linseed and safflower are fair.

"The young forest-trees and bamboos are all doing well.

"The weather of the past week has been fine, with cloudy days. Our total rain-fall up to date is 12·70 inches."

WURDAH VALLEY.

7. Mr. Noble, in his letter dated Nagpore, 20th instant, thus reports:—

"Since my last report the weather has been fine, the afternoons being generally cloudy; but I do not think there is much chance of any rain falling shortly, as the nights and mornings have been getting considerably colder.

"My marches since my last report have been:—

16th, Saongee to Nachangaon.
17th, Nachangaon to Bairool.
18th, Bairool to Dhanori.
19th, Dhanori to Daiwalwara.
20th, Daiwalwara to Arvi.

"The state of the crops remains unchanged; there is still a considerable quantity of cotton unpicked, and the *jowarree* is now being cut on all sides.

"In the district through which I have just passed, the *khurreef* crops (crops of the autumn harvest) have on the whole been good—in some parts very good—as may be judged from the fact that at several villages, including the villages of Nachangaon and Bairool (the acreages of the land attached to these being of considerable extent), the Malgoozars when questioned have at first answered that the cotton and *jowarree* crops have been very good, being full 'sixteen-anna' ones. In villages where, perhaps, the land is not quite so good, the crop is generally considered to be a 'twelve-anna' crop, which in reality means a very fair average one.

"I wish I could say the same of the *rubbee* crop (spring harvest); this, I am afraid, will be as bad as the *khurreef* in this part has been good. Many cultivators say that it will be as much as they will get if they get the amount of seed sown; while others say that certain fields will give a 'twelve-anna' crop and others an 'eight-anna' one. From my own personal observation, I should say that unless rain falls very shortly, the poorer fields, the soil of which is unable to retain moisture for any length of time, will certainly not yield very much more than was sown, but the number of such fields in this part is in the minority, and I think that the average yield will be nearly an 'eight-anna' one.

"Several of the more forward fields are now in ear, and, consequently, rain would be of no benefit even to the more backward fields unless it comes within a few days."

8 Prospects, then, are about the same. In fact, as far as the quality of the cotton-crop is concerned, no change either for the better or the worse is to be expected. Heavy rain now might stain and thereby affect the colour and quality of the crop, but would in no way affect the outturn.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

RECENT OUTBREAK OF CHOLERA AT DELHI.

No. 773, dated 13th December 1871.

From—LEPEL H. GRIFFIN, Esq., Offg. Secretary to Govt., Punjab and its Dependencies,

To—The Offg. Secy. to Govt. of India, Dept. of Agriculture, Revenue and Commerce.

I AM desired to submit, for the information of His Excellency the Governor General in Council, copy of a report, dated 7th instant, by the Sanitary Commissioner, on the recent outbreak of cholera at Delhi.

Dated 7th December 1871.

From—J. FAIRWEATHER, Esq., M. D., Offg. Sanitary Commissioner, Punjab,

To—The Offg. Secretary to Government, Punjab.

I HAVE the honor to forward the following account of the recent outbreak of cholera at Delhi for the information of His Honor the Lieutenant Governor.

2. Before the occurrence of this outbreak, it had not been known that cholera was present in Delhi, but from enquiries since made there can be no doubt that one case of undoubted cholera took place in the "Shish Mahal" near the Suddur Bazar on the 13th November, and there were two other cases about the same time and in the same locality which I have small doubt were also cases of the disease. Close to the "Shish Mahal" and Suddur Bazar is a quarter inhabited almost entirely by Reghurs (tanners) and Chumars. The latter, though they work in the leather which the former make, have no communication with them socially.

On the 26th November a feast was given by a Reghur named Gomah on the occasion of the death of his brother "Doolla," which had occurred a week previously. The whole of the Reghurs of the Mohulla, to the number of about 400 or 500, were present, but no others. Fifteen families of Reghurs, who live separate from the others at the opposite side of the Suddur Bazar, were also present. The feast consisted of rice, moong dall, sugar and ghee. The two former were cooked in large copper vessels, and the sugar and ghee were afterwards added to them. There was no meat of any description, neither was there any other liquor drunk but water, as it is not their custom either to eat flesh or drink spirits on occasion of the death of a relative. None of the women of the Reghur caste were present, but what remained of the feast was carried away by the men to their homes; and in this way nearly every man, woman and child partook of it. No ill consequences followed till after midday on the 28th, when one or more began to suffer from sickness and purging. From this time so rapid was the course of the disease, that by noon next day (the 29th) there had been 45 seizures and 11 deaths. The daily admissions and deaths were then as follows:—

	Admissions.	*Deaths.*
Up to 29th November	45	11
30th Ditto	2	11
1st December	12	7
2nd Ditto	7	7
3rd Ditto	2	4
4th Ditto	2	3
5th Ditto	0	0
6th Ditto	0	0
7th Ditto	0	1
TOTAL ...	70	44

Up to 4th December the attacks were entirely limited to the Reghurs and to three of other castes* who had partaken of the feast, but on that date two admissions occurred who had no connection whatever with the feast, although they came from the neighbouring bazar. That the disease was cholera there could be no doubt; and, if there *had* been a doubt at first, it ought to have been dispelled after the occurrence of the two last-mentioned cases. Since my arrival here I have been making every effort to trace the origin of the outbreak. At first, as it has been proved almost to demonstration that such sudden local outbursts of the disease are caused by contaminated water-supply, I was inclined to believe that the outbreak would ultimately be found to be connected with this cause; and I directed my inquiry first to this point. Certainly, if polluted water could give rise to cholera, the cause is here in perfection; for all the wells must be polluted in the foulest manner by the garbage and refuse of the tanner's trade which everywhere saturates the ground; while one or more of the wells are within 18 or 20 paces of the trenches in which the ordure from the city latrines is buried. The smell of the whole place is so sickening that a feeling of nausea remains with one for a

*A Kunjur, a sweeper, and a Chumar.

long time after leaving the spot. Could I, therefore, have discovered a well which was exclusively used by the Reghurs, I should have been inclined to attribute the outbreak to some connection with that; but, after the most careful enquiry, I could not find one well that was not used by others as well as by the Reghurs. The food, therefore, alone remained to be examined, and, after evidence was taken on the point from all connected with the feast, it was evident that it was of good quality, and did not differ from what was sold to other classes in the bazar. Moreover, the boiling of the rice, &c., may be supposed to have destroyed any cholera germs it might have contained. That one of the large copper vessels in which the food was cooked was badly tinned I look upon as nothing, since no one can imagine genuine cholera to proceed from such a cause. It came out, however, that the food, instead of being eaten, as I supposed, immediately after cooking, had been spread out in a large heap on a new mat, and allowed to remain there for hours before being eaten. This mat I found further had been spread on the floor of the room in which "Doolla" (in whose honor the feast was given) had died. It then became necessary to inquire more particularly into the circumstances attending Doolla's death, and I found that, although reported to have died of fever, he in reality died of vomiting and purging in the course of a few hours, having been in perfect health up to the moment of his attack. I at first tried to connect his illness with the case of a photographer who was lying ill of cholera in the Dâk Bungalow here, but found that he had only arrived from Lucknow on the evening of the 26th (and had been seized with symptoms of the disease the same evening); therefore, as Doolla had died on the 19th, there could be no connection between them. My subsequent enquiries, however, discovered that cholera had been lurking in the bazar (Suddur) before the middle of November; for one case of a child had been entered in the books of the Dispensary (Suddur Bazar) as cholera on the 13th November, and there can be no doubt, from the account the Native Doctor gave of it, that it was a genuine case of the disease. The Native Doctor states that he reported the case to the Civil Surgeon, and, though the latter forgets the circumstances, he believes it is quite possible, but from press of work and frequent false reports of the same sort he may have overlooked it. I have been unable as yet to connect the history of Doolla's case with that of the child above mentioned, neither have I been able to trace the latter to communication with an infected quarter; but, considering the case of the photographer above alluded to, and knowing that constant communication takes place between the Suddur Bazar and down country, it is not difficult to imagine how the disease was brought.

In conclusion, I have only to say that the most vigorous measures have been carried out for the segregation of the infected Mohulla and for preventing the spread of the disease. As the Mohulla is on the outskirts of the suburb, a cordon of Police sentries has been placed to prevent communication with the neighbouring bazar. Tents were at once pitched for the treatment of the sick, and a number of others, besides some huts, were erected for the accommodation of those families which were most affected, and whose houses were in the lowest sanitary condition.

These houses it was considered advisable to burn and destroy under the supervision of the Civil and Police authorities. Conservancy arrangements have been carried out with all the efficiency possible; but the soil has become so sodden with the filth of years that it is impossible to thoroughly clean it without evacuating the spot, and at a meeting of the Municipal Committee it was agreed to attempt the removal of the whole inhabitants to a safer locality. Sentries have been placed on suspected wells, and all the clothes and bedding of the affected have been burnt.

Whether these measures have been the cause it is impossible to say, but at all events, with the exception of a woman in the Shish Mahal and a Burmia in the bazar, the disease has been confined to those who partook of the feast, and no new cases whatever have occurred anywhere since the 4th instant. I may add that every care is being taken of the people who have been removed from their houses, and that they appear quite contented in their encampment.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE WEATHER AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—In the whole of the northern part of the continent, seasonable rain has fallen and revived the agricultural prospects, which are now fair. In the Punjab and Oudh the rubbee crops, which were withering for want of moisture, have recovered themselves, and sowings are continued hopefully.

In Bengal the returns from Dacca and Patna are promising.

In the Central Provinces the rain-fall has been scanty and capricious, and though in some districts there has been great improvement in the appearance of the crops, in others more rain is wanted.

The Berars are suffering from cloudy weather and absence of rain, and the condition of the Northern Circars in nearly the same latitude is also unpromising. Farther south, throughout the rest of the Madras Presidency, Mysore, and Coorg, the prospects of the harvest are satisfactory, and the reports from British Burmah are equally favorable. No reports have been received from Bombay and Rajpootana.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS ...	Ganjam ...	January 3 ...	*Nil.*	January 4 ...	Water supply short; well works in progress; migration continuing; grain imports large; markets well supplied; prices unsteady; health good.	The Government considers the condition of the Northern Circars unpromising, but it is carefully watched. Elsewhere prospects are favorable.
	Vizagapatam ...	" ...	Slight rain.	.....	Market well supplied; prices rising; health good.	
	Godavery ...	December 25 ...	*Nil.*	.....	Market well supplied; prices above average; health good.	
	Masulipatam ...	January 3 ...	*Nil.*	.....	Crops and harvest fairly satisfactory; market sufficiently supplied; prices steady.	
	Kurnool ...	" ...	*Nil.*	.....	Prices not high, but unsettled.	
	Negapatam ...	" ...	0·96	.....	Prospects good; prices steady.	
	Trichinopoly ...	" ...	0·19	.....	Crops in fair condition; harvest below the average; prices rising.	
	Calicut ...	" 2 ...	*Nil.*	.....	Harvest good; health good; prices rising.	
BENGAL	Dacca	January 3 ...	*Nil.*	January 4 ...	Winter crops promise well.	
	Patna	" ...	0·58	" ...	Rubbee crop is promising.	
N. W. PROVINCES ...	Allahabad ...	January 3 ...	2·	January 5 ...	Prospects of crops good.	* Rain fell in the district on 21st, 22nd, 23rd, and 24th December 1871, and on the 3rd January 1872.
	Agra ...	" ...	1·	" ...		
	Benares ...	" ...	1·2	" ...		
	Meerut ...	" ...	1·6	" ...		
	Bareilly ...	" ...	*	" ...		

PUNJAB ...	Delhi ...	January 3 ...	1·70	January 4 ...	Cloudy; wind easterly.	There has been a general fall of rain throughout the province. Agricultural prospects have much improved. Weather still cloudy.	
	Umballa ...	" ...	0·90	.....	Average agricultural prospects.		
	Jullundhur ...	" ...	2⅛	.....	Crops flourishing.		
	Lahore ...	" ...	1·40	.....	Rain late, but in time to allow of considerable extension of cultivation, chiefly barley; crops in the ground have greatly benefitted.		
	Mooltan ...	" ...	0.40 at Mooltan. 0·10 at Shujabad. 0·15 at Serai Sidhoo.	.....	Rubbee crops have germinated well; cattle disease still in Serai Sidhooo.		
	Rawul Pindee ...	.....	1·50	.....	Agricultural prospects good.		
	Peshawur ...	.....	0·50	.....	Rubbee sowings progressing; more rain needed.		
OUDH	Lucknow ...	January 3 ...	2·7	January 4 ...		The Chief Commissioner learns from all parts of the province that there has been most seasonable rain since the 22nd ultimo, and the rubbee prospects are everywhere good; weather still cloudy.	
	Fyzabad ...	"	1·0	"			
CENTRAL PROVINCES ...	Nagpore ...	January 3 ...	*0·02 †0·40	January 4 ...	Rain has benefitted wheat and other rubbee crops; khureef cut in most places; prices of grain stationary.		* In Nagpore Tehsil. † In Ramtek Tehsil.
	Wurdha ...	...	0·12	...	Spring crops looking better since the rain; out-turn of cereals and cotton expected to be good.		
	Raipore ...	January 1 ...	0·02	.....	Prospects of rubbee dependent on rain: more necessary.		
	Belaspore ...	.....	...	.....	Slight rain with favorable effect on growing rubbee.		
	Sumbulpore ...	.....	*Nil.*	.....	No change in the prospects of the crops.		
	Jubbulpore ...	January 3 ...	1·0	.....	Prospects of crops excellent.		
	Seonee ...	.....	...	.....	The late seasonable showers have benefitted the crops.		
	Dumoh ...						
	Mundla ...	.....	...	....	Prospects favorable.		
	Hoshungabad ...	January 3 ...	...	.....	Rain wanted; prospects continue fair.		
	Baitool ...	.....	0·67	.....	Prospects favorable; crops in places attacked by illiworm.		
	Nursingpore ...	.....	0·33	.....	Slight damage done by hail, but prospects generally better. Illiworm disappeared.		
	Nimar ...	.....	0·07	.....	Khureef crops good; rubbee not favorable.		

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration	State of agricultural prospects.	Remarks of Local Government or Administration.
HYDERABAD ASSIGNED DISTRICTS ...	East Berar ...	January 4	*0·20	January 4 ..	Rain-fall not general; no appreciable effect on crops; reaping of khureef completed: outturn average. The entire absence of dew is very detrimental to the rubbee. Rain urgently required.	* At Oomrawuttee.
	West Berar ...	„ 1	...	„ 1 ...	No improvement since last report. Rubbee crops have been injured in parts from cloudy weather and want of rain.	
CENTRAL INDIA ...	.....	.....	...	January 4 ...	.....	No return since last report.
BRITISH BURMAH ..	Rangoon Amherst Thayetmyo Tonghoo Akyab	January 3	*Nil.*	January 5 ...	Prospects good.	
MYSORE AND COORG ...	Bangalore ... Mysore ...	January 4 „ 2 ...	*Nil.* *Nil.*	January 4 ...	Crops favorable and being reaped Crops fair average in all talooks; raggi harvested; paddy, gram, and castor-oil seed being reaped.	Agricultural prospects continue favorable.
	Coorg ...	„ 4 ...	*Nil.*	.....	Reaping of paddy commenced throughout the province; dry crops thriving; coffee continues to be picked on European estates.	
SIND ...	.....	January 3, 1872	0·09 in Upper Sind.	January 3 ...	Khureef harvest nearly completed; rubbee sowings in progress; the young plants that were sown early appear healthy; grain and cotton prospects generally good; wheat eleven to thirteen seers; rice eight to eleven; bajree fourteen.	

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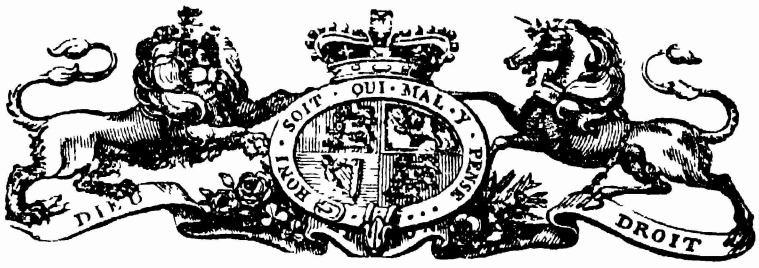
No. 2 of 1872



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 13, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations .....23—86

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .....19—23

PART III.—Advertisements and Notices by private Individuals and Corporations .....5—16

PAGE.

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—

Not printed this week.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—

The Burma Courts Bill ....15—21

SUPPLEMENT, No. 2 .....25—39

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 3rd January 1872.

No. 1.—His Excellency the Viceroy and Governor General, under the authority vested in him by 24 & 25 Vic., Cap. 67, section 10, is pleased to nominate F. R. Cockerell, Esq., to be an Additional Member of the Council of the Governor General for making Laws and Regulations.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 11th January 1872.

No. 171.—The Notification of this Department, No. 2931, dated the 15th June 1871, relative to the compulsory retirement of Uncovenanted Officers on attaining the age of 55 years, is superseded by Section 53 of the Civil Pension Code published under Financial Department Notification, No. 239, dated the 10th instant.

JUDICIAL.

The 8th January 1872.

No. 33.—Mr. J. Pitt Kennedy, resumed charge of his duties as Standing Counsel for the Presidency of Fort William in Bengal, on the 4th instant.

EDUCATION.

The 11th January 1872.

No. 23.—Under Section 12, of Act 11 of 1857, the Governor General in Council authorises the affiliation in Arts, up to the standard of the First Arts Examination, of the London Mission School, Mirzapore, to the Calcutta University, with effect from the 1st instant.

ECCLESIASTICAL.

The 11th January 1872.

No. 12.—The Governor General in Council has received with deep regret, official intimation of the death of the Venerable the Archdeacon of Calcutta, the Reverend J. H. PRATT, on the 28th ultimo, at Ghazeepore in the North-Western Provinces

The Governor General in Council cannot allow the death of ARCHDEACON PRATT to pass unnoticed by the Government which he served so long and so well.

Mr. PRATT entered the service in the year 1838, and was appointed Archdeacon of Calcutta by the late Bishop Wilson on the 6th October 1849.

Under the ordinary rules of the service, Mr. PRATT would have retired in October 1867, but so efficiently had he filled his high office in the Church, that he was solicited by Government, with the full approval of Her Majesty's Secretary of State, to continue to hold it.

In adopting this course the Government was moved not only by its own appreciation of the Archdeacon's services, but by the strong recommendation of the late Bishop Cotton, who bore testimony to ARCHDEACON PRATT's eminent scientific attainments and university distinctions; to the active part which he had taken in the management of the Diocese and in the promotion of all good works; and to his personal piety and high Christian character.

At a later date Her Majesty's Secretary of State, in sanctioning the retention of ARCHDEACON PRATT in the service until October 1872, remarked—"I cannot refrain from expressing "the high sense I entertain, in common with the present Bishop of Calcutta, the Lieutenant-"Governor of Bengal, and Your Excellency in Council, of the zeal and ability with which he "has for so many years faithfully and laboriously discharged the duties of his Office."

The Governor General in Council feels assured that the death of the Venerable Archdeacon will be mourned by the entire Christian Community in India.

By order of the Governor General of India in Council.

No. 13.—The Right Reverend the Lord Bishop of Calcutta has appointed the Reverend Brownlow Thomas Atlay, M. A., Senior Chaplain of St. Paul's Cathedral, to act as Commissary to His Lordship during the vacancy of the Archdeaconry of Calcutta.

ARTHUR HOWELL,
for *Secy. to the Govt. of India.*

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions, even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining

supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)
(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions:—

1st.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials, I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

FORESTS.

Fort William, the 12th January 1872.

No. 56.—Messrs. A. W. Peet, and R. C. Wroughton are appointed Assistant Conservators of Forests, 3rd Grade, with effect from the 18th October 1871, and are posted to the Madras and Bombay Presidencies respectively.

SURVEYS.

The 10th January 1872.

No. 18.—Captain J. Herschel, R.E., Officiating Deputy Superintendent, 1st Grade, Great Trigonometrical Survey, is granted one month's privilege leave of absence from the date on which he may avail himself of the same.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 10th January 1872.

No. 169.—The Notification of this Department No. 3229 of the 21st ultimo is cancelled.

The 12th January 1872.

No. 230.—The following is substituted for the notification of this Department No. 3456, dated the 30th ultimo :—

Mr. G. Fitzgerald, Officiating Deputy Accountant General, Madras, availed himself, on the afternoon of the 16th December, of the privilege leave granted to him on the 30th November 1871.

Mr. E. S. Byrne is appointed to officiate in the second class of the Financial Department, with effect from the 17th December 1871.

EXPENDITURE.

(ADMINISTRATION).

The 12th January 1872.

No. 325.—RESOLUTION.—It is usual for officers, when submitting propositions for the revision of establishments, to set down the average monthly cost of a pay which rises from a minimum to a maximum, however quickly, at the mean between the minimum and the maximum.

2. As a matter of fact, however, the monthly average cost of a pay so fixed, unless the period of rise be very long, is much higher than this. By the present erroneous practice, officers may be led to propose, and perhaps the Government sometimes may sanction, proposals for the revision of establishments under a practical misapprehension of their actual financial effect.

3. It is not at present possible to show exactly what the average monthly cost of a progressive pay is. No doubt it varies under varying circumstances; and under all circumstances it depends largely upon the length of the period of rise.

4. The Governor General in Council is, however, convinced that the average monthly cost of a pay, which rises by five equal annual increments from a minimum to a maximum, is, at least, the minimum plus two-thirds, and, in the case of ministerial establishments, three-fourths, of the difference between the minimum and the maximum.

5. His Excellency in Council is accordingly pleased to direct that, for the present, the average monthly cost of such pay shall be calculated in this way.

Examples—

The average monthly cost of the pay of an officer in the classified list in the Financial Department, which rises from Rs. 400 a month by five annual increments of Rs. 40 to Rs. 600 a month, is Rs. 400 + $\frac{2}{3}$rds of Rs. 200 = (Rs. 134) = Rs. 534.

The average monthly cost of the pay of a clerk rising from Rs. 100 a month by five equal annual increments of Rs. 10 to Rs. 150 a month is Rs. 100 + $\frac{3}{4}$ths of Rs. 50= (Rs. 37-8)=Rs. 137-8.

6. If the period of rise is 20 years, the average monthly cost may be taken at the exact mean

7. In other cases an intelligent estimate may be made.

ORDERED, that this Resolution be published in the *Gazette of India*, and communicated to the Departments of the Government of India, to the local Governments, to the Heads of Departments, and to the Officers of Account and Audit for information and guidance.

LEAVE AND ALLOWANCES.

The 30th December 1871.

The following notification is to be substituted for the notification under the same number and date, published in the *Gazette of India* of 6th January last, page 16 :—

No. 3463.—The Governor General in Council is pleased to direct the substitution of the following rule for Rules 1 and 2 under Section XIX, Covenanted Civil Service Leave Code :—

Before privilege leave can be granted to an officer, he must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on medical certificate, within three months of his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave, he will be expected, if he does so, to explain fully his change of intention.

This rule applies generally.

The 11th January 1872.

No. 179.—The Governor General in Council is pleased to sanction the insertion of the following sentence at the end of Rule 8, under Section XIX of the Covenanted Civil Service Leave Code :—When an officer, who is officiating for an absentee on privilege leave, has, in the opinion of the local Government, sufficient reason for refusing the residence placed at his disposal by the absentee, the house rent attached to the appointment officiated in shall be drawn by the Officiating Officer and not by the absentee.

The 12th January 1872.

No. 317.—The Governor General in Council is pleased to direct the insertion of the following rule as No. 3 (b) under Section I of the Covenanted Civil Service Leave Code :—

If a Covenanted Civil Servant on his first arrival in India is unable through bad health to proceed to the seat of the Government to which he is attached, or to any other station to which he may have been ordered, the Local Government in whose jurisdiction he is, may, on medical certificate, grant to him subsistence allowance of Rs. 250 a month for not more than two months. Time thus spent is not reckoned as actual service.

MINT AND CURRENCY.

The 11th January 1872.

No. 185.—Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency :—

DATE.	Circles of Issue.	Balance of Issue Account.	Retired by other Offices of Issue.	Currency Notes in Circulation.	Silver Coin Reserve.	Silver Bullion Reserve.	Gold Bullion Reserve.	Reserve in Government Securities.	TOTAL RESERVE.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
31st Dec. 1871	Calcutta ...	4,19,48,510	7,16,290	4,12,32,220	1,49,23,796	63,08,488	72,495	1,42,42,231	3,55,47,010
Ditto .	Madras ..	1,07,02,220	8,65,080	98,37,140	58,75,856	...	...	17,28,404	76,04,260
Ditto ...	Bombay ...	4,52,07,960	79,42,710	3,72,65,250	2,31,98,827	66,11,5[illegible]	...	1,37,35,209	4,29,45,570
Ditto ..	Allahabad ..	37,18,780	2,79,370	34,39,410	15,00,129	...	...	11,03,291	26,03,420
Ditto ...	Lahore ..	72,87,210	17,27,690	55,59,520	60,12,513	...	...	7,00,037	67,12,550
Ditto ..	Calicut ...	13,77,180	2,30,320	11,46,860	6,82,421	...	...	1,00,059	7,82,480
Ditto ...	Trichinopoly ...	6,69,150	2,33,660	4,35,490	4,90,511	...	...	1,00,059	5,90,570
Ditto ..	Vizagapatam ..	3,25,370	14,940	3,10,430	1,25,791	...	...	1,00,059	2,25,850
Ditto ..	Nagpore ...	41,69,840	5,47,980	36,22,460	25,86,998	...	...	5,47,902	31,34,900
Ditto ...	Kurrachee ...	49,73,770	32,54,430	17,20,340	43,95,824	...	...	5,00,106	48,95,930
Ditto ...	Akola ...	43,76,970	2,55,080	41,21,290	36,47,870	...	.		36,47,870
	TOTAL ...	12,47,56,960	1,60,66,550	10,86,90,410	6,34,40,536	1,23,20,022	72,495	3,28,57,357	10,86,90,410

CALCUTTA,
COMMR. OF ISSUE OF PAPER CURRENCY,
The 4th January 1872.

HUGH SANDEMAN,
Head Commissioner.

PENSIONS AND GRATUITIES.

The 10th January 1872.

No. 239.—In supersession of all existing rules and orders regarding pensionary allowances to public servants in the Civil Department, the Governor General in Council is pleased to direct the publication of the following CIVIL PENSION CODE. This Code makes no changes in the existing rules, save that the procedure on application for pension is amended.

2. Orders which apply only to particular individuals named in them are not included in the Code, and will remain in force apart from it.

3. Otherwise the claims of persons now in the civil service of the Government will be determined only by the rules in this Code.

4. In accordance with the principle laid down in Section 5 of the Code, the claims of persons who have already left the service of Government must be determined by the rules which were in force at the time they left it. The rules in the Code do not, necessarily, apply to them.

5. Particular attention is requested to the rules in Chapter XIV. The procedure therein ordered should be introduced as soon as possible; but pending applications need not be revised in conformity therewith.

6. Local Governments and Heads of Departments will take steps to introduce the system set forth in Section 69.

7. Future rulings regarding pensions will be made in the form of corrections and additions to this Code; and quotations should be made in the following form, "Civ. Pen. Code, 63, 2," the first number referring to the Section, the second to the rule under it.

THE CIVIL PENSION CODE.

CONTENTS.

Chapter I.—Definitions.
" II.—Extent of application.
" III.—General principles and general exceptions.
" IV.—Qualifying service. First condition.—Service under Government.
" V.—Qualifying service. Second condition.—Permanent and substantive employ.
" VI.—Qualifying service. Third condition.—Source of remuneration.
" VII.—Officers lent to Native States, Municipalities, &c.
" VIII.—Superior and inferior service.
" IX.—Periods of leave and suspension.
" X.—Forfeiture of past service.
" XI.—Conditions of award of pension and gratuity.
" XII.—Amount of pension or gratuity:
A—For superior service.
B—For inferior service.
C—For service partly inferior and partly superior.
" XIII.—Calculation of pension and gratuity.
" XIV.—Applications for pension or gratuity.
" XV.—Power of Local Governments and of the Government of India.
" XVI.—Manner of payment.
" XVII.—Place of payment.
" XVIII.—Lapse and forfeiture of pensions.
" XIX.—Commutation of pensions.
" XX.—Re-employment of pensioners and persons who have obtained gratuities.
" XXI.—Special rules for the Police.
" XXII.—Extraordinary pensions.
Appendix A.—Forms.
" B.—Pension rules of 4th January 1831.
" C.—Extracts.
Supplement A.—Covenanted Civil Servants.
" B.—Judges of the High Courts.
" C.—Chaplains and Assistant Chaplains.
" D.—Members of the Pilot Service in Bengal.

THE CIVIL PENSION CODE.

CHAPTER I.

DEFINITIONS.

Interpretation Clause.

Section 1.—In the following Rules, unless there be something repugnant in the subject or context—

(*a*).—"Local Government" includes a Department of the Government of India, a Chief Commissioner and the Resident at Hyderabad.

(*b*).—"Accountant General" means the Account and Audit Officer concerned, whatever be his official designation.

(*c*).—"Qualify" and "count" mean "qualify" and "count" for pension and gratuity in accordance with this Code.

(*d*).—When pensions or gratuities are said to be chargeable to more than one source, according to the "rule of proportions," it is meant that the charge should be debited to the several sources in the proportion in which the aggregate salary drawn by the officer during the whole of his qualifying service has been paid from them.

(*e*).—"Pay" means "substantive pay." "Salary" means the sum of "pay" and "acting allowance."

(*f*).—"A Local Allowance" is an allowance, not specially declared to be "pay" or "salary," given to an officer in addition to the regular pay or salary of his appointment, either for duties which do not properly belong to his appointment, or in consideration of exceptional local circumstances (such as the unhealthiness or expensiveness of the locality, or the peculiarly arduous nature of the work).

(*g*).—"General Revenues," for the present, include both Imperial and Provincial.

(*h*).—"Local Fund."—When revenue derived from special sources is devoted to specified objects, and not to the general purposes of the administration, whether Imperial or Provincial, the revenue so devoted forms a "Local Fund."

CHAPTER II.

EXTENT OF APPLICATION.

Application of the Code.

Section 2.—The rules in this Code and its Supplements apply to all public servants, except the following, who are under Military Rules:

(*a*).—Officers and men in the Army or in the Navy (including Covenanted Medical Officers).

(*b*).—The Subordinate Medical Department.

Section 3.—The general provisions of the Code do not apply to the under-mentioned officers, whose pensions are regulated as to amount by the special rules contained in the Supplements:

(*a*).—Covenanted Civil Servants of the Crown in India.

(*b*).—Judges of the High Courts of Judicature.

(*c*).—Chaplains and Assistant Chaplains.

(*d*).—Members of the Pilot Service in Bengal.

1. The rules in Chapter VII of the Code, however, apply to Covenanted Civil Servants of the Crown in India.

Option of old Rules.

Section 4.—The following officers are allowed an option (which can be exercised once only) between the rules embodied in the

present Code (which, for the most part, came into force on the 8th June 1863) and the rules which previously applied to them:

(a).—Covenanted Civil Engineers of the Public Works Department and civil officers of the Telegraph Department, whose covenants are dated before the 8th June 1863, may elect between the rules in this Code and the rules which were in force when they executed their covenants, and which are set forth in Appendix B.

Provided that if they elect the latter, they must abide also by the Leave Rules which were in force before the 8th June 1863.

(b).—Marine Engineers in Bengal and Bombay, engaged under covenant in England, before the abolition of the Indian Navy, may elect to serve under the rules in this Code and the Leave Rules which were promulgated with them on the 8th June 1863, or under the terms of their covenants.

CHAPTER III.

GENERAL PRINCIPLES AND GENERAL EXCEPTIONS.

Section 5.—An officer's claim to pension or gratuity is governed by the rules in force at the time when he resigns or is discharged from the service of Government. No officer has any claim to a benefit granted after his resignation or discharge.

Section 6.—Service which qualifies for pension under Military Rules does not qualify for pension under this Code. An officer who is counting service for military pension cannot, simultaneously, count service for civil pension. Service under Military Rules.

Examples.—An officer who has served in the Indian Navy, if he afterwards enters civil employ, cannot count his naval service. A non-commissioned officer or private soldier, employed in the Civil Department, cannot begin to count his service for civil pension until he takes his discharge from the Army.

Exceptions.—1. A Hospital Assistant or Native Doctor, if promoted to be Sub-Assistant Surgeon, counts service from the date on which he passed his examination as Hospital Assistant. Exceptions.

2. Those inspectors in the Telegraph Department who came from England as artificers in 1853, and did not take their discharge from the Army till about 1863, count their departmental service.

3. In the Public Works Department, Warrant officers in the grades of Conductor and Sub-conductor, and non-commissioned officers, are obliged, when promoted to the Engineer establishment, to take their discharge, and their whole departmental service then qualifies.

Section 7.—An officer cannot earn two pensions at the same time or by the same continuous service. Cumulative pensions inadmissible

Section 8.—Pension and gratuity are not earned by a person whose whole time is not given up to the regular service of Government, merely because he is paid by Government for work done for it. Persons paid for specific services

Examples.—This rule applies in the following cases:

Advocate General.

Solicitor to Government.

Government Pleaders and Law Professors, when not debarred from private practice.

Sheriffs and Deputy Sheriffs in Presidency Towns.

Coroners.

Roman Catholic priests.

Church clerks and other church servants.

1. Service as Deputy Sheriff of Bombay qualifies under an order of the Financial Department No. 10300, dated the 26th February 1867. This order was withdrawn on the 11th December 1871. But officers who held the appointment between these dates count the whole of their service in it.

Section 9.—On the same principle, public servants earn no pension or gratuity in respect of offices of the kind mentioned in the last Section, or in respect of duties paid for by a "local allowance."

Service under covenant.

Section 10.—Service under a covenant which contains no stipulation regarding pension or gratuity does not qualify, unless the Government of India specially permits it to qualify.

Service for a time only.

Section 11.—An officer who is appointed for a limited time only, or for a specified duty on the completion of which he is to be discharged, has no claim to pension or gratuity.

Service under twenty-two.

Section 12.—Except for compensation gratuity, and for pension or gratuity on the inferior scale, service before completion of twenty-two years of age, or as an apprentice, does not qualify.

CHAPTER IV.

QUALIFYING SERVICE.

FIRST CONDITION.—SERVICE UNDER GOVERNMENT.

Service under Government.

Section 13.—Service qualifies only if it is entirely under Government, *i. e.*, if the officer is appointed, and his duties and pay are regulated, by the Government or under conditions determined by the Government.

1. The following are examples of servants excluded from pension by this rule:

Office under Board of Trade.

A marine officer paid by fees fixed by the Board of Trade.

Municipalities.

Servants of a Municipality.

Grant-in-aid Schools and Institutions.

Servants of grant-in-aid schools and institutions (*e. g.*, the Asiatic Society and the Canning College in Lakhnow).

Treasurers' Subordinates.

Subordinates appointed by treasurers on their own responsibility, *e. g.*, tahvildars in the North-Western Provinces, and fotadars (money-testers) in Bengal.

Grant-in-aid Schools: Exception.

2. The educational authorities in Bengal having induced certain teachers of Government institutions to accept service in grant-in-aid schools, by declaring a rule regarding Bombay schools (Section 26, case *c*) to be applicable to their case, were directed, in December 1863, to offer re-employment in Government schools to the officers referred to; and those who accepted such re-employment reckon their service (not exceeding three years) in grant-in-aid schools as service under Government.

Contract Establishment.

Section 14.—Service on an establishment paid from an establishment allowance made to the head of the office, with the detailed distribution of which the Government does not interfere, does not qualify. The establishment allowance may be fixed in amount, or may consist of fees received by the head of the office.

Registration Offices.

1. The maximum establishment allowance for Registration Offices in Bengal is not an establishment allowance within the meaning of the Section, because the Registrar General or Inspector General of Registration, under the orders of Government, regulates its distribution, and any balance unspent is saved to Government.

Allahabad Pay Office.

2. Service in the Allahabad Pension Pay Office, which was formerly paid from an establishment allowance, qualifies in the case of the Native Clerks retained in it when it became a regular establishment.

Service paid from Darbar and Sumptuary Allowances.

Section 15.—Service on an establishment paid from the household allowance of the Viceroy, or of any Governor or Lieutenant-Governor, does not qualify.

Service under employers supplanted by Government.

Section 16.—In the following cases, service under an employer to whose position Government has succeeded qualifies:

Berars and Mysore.

(*a*).—Service in the Hyderabad Assigned Districts, and in Mysore, in the case of officers transferred to the Government of India when it undertook the administration of those provinces.

(*b*).—Service rendered to a Native State and continued to the British Government on the lapse or annexation of the State, when old age or infirmity renders the servant a fit object for pension. But claims to pension under this rule must be referred to the Government of India. Service under Native States.

(*c*).—Service in superior grades in taluqdari schools in Oudh, which were converted into Government institutions on the organisation of the Educational Department in that Province. Taluqdari Schools, Oudh.

(*d*).—Service on the establishments of the Military and Medical Funds, in the case of the officers who were on the establishments when the Funds were taken over by Government. Military Funds.

(*e*).—Service was guaranteed to the soldiers of the Sikh Government who, on annexation, entered the British service in the following Regiments: Soldiers of Sikh Darbar.

Subhan Khan's Regiment (or 1st Panjab Police Battalion).
Sher Dil Regiment (or 2nd Panjab Police Battalion).
Kallar Mukhi Regiment (or 3rd Panjab Police Battalion).
Suraj Mukhi Regiment (or 4th Panjab Police Battalion).
The 3rd Panjab Light Field Batteries.
The 4th or Garrison Company of Artillery.
Two companies of Panjab Sappers.

In accordance with the guarantee, those of them who, on the 28th October 1861, were in employment in any department, are entitled to receive pension for their service under the Sikh Darbar, and for that under the British Government, under the rules for invalid pensions to soldiers in local or irregular corps.

CHAPTER V.

QUALIFYING SERVICE.

SECOND CONDITION.—PERMANENT AND SUBSTANTIVE EMPLOY.

Section **17**.—Service qualifies only if the officer holds a substantive appointment on a permanent establishment. Service permanent and temporary.

1. Service in an appointment which, though at first created experimentally or temporarily, eventually becomes permanent, qualifies. But this rule does not apply to the case of an officer who is entertained temporarily in one appointment and is afterwards transferred to *another* substantive appointment. Explanation.

2. An officer officiating in an appointment which is vacant, or of which the permanent incumbent does not draw any part of the pay, may, if he is confirmed without break of continuity, count service as if he had held the appointment substantively.

3. An officer, who holds a substantive appointment and draws substantive pay as a "probationer," holds a substantive appointment within the meaning of the Section. So does an officer who is on probation for a substantive appointment, if he is employed in a vacancy reserved for him pending probation.

Section **18**.—If an officer of a permanent establishment is detached on temporary duty, on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, he continues to count service as if he had remained on the permanent establishment. Permanent servant deputed.

Examples.—A Deputy Collector deputed to assess or collect the Income Tax.
A Muharrir detached on settlement duty.

Section 19.—If the substantive appointment of an officer is abolished within the meaning of Section 47, but the officer is, at the same time, deputed by Government on *special* duty, his service continues to qualify.

1.—The speciality of the duty is the essential point in this case, and mere employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, is not within the rule.

Section-Writers.

Section 20.—Section-writers in Bengal, the North-West, and Madras, and press servants in Madras who are paid for piece-work, are reckoned members of a permanent establishment, if—

(1) they are employed, not casually, but as part of a fixed establishment; and

(2) during the last 72 months of their actual employment they have been attached to one office uninterruptedly for 24 months, or it has not been through their own choice or misconduct that they have not been so attached.

Exceptions to the General Rule.

Section 21.—In the following cases temporary service qualifies:

Medical charge of Government Vessel.

(*a*).—A surgeon, or duly qualified practitioner, in charge of a Government vessel may count that service if he is transferred from it to the uncovenanted medical service.

"Works" establishments, Public Works Department.

(*b*).—Claims by officers of the Public Works Department whose pay was charged to "Works," before the issue of the Public Works Department Circular No. 6 of 1862, but whose employment was really of a permanent character, will, if the sanction to their entertainment was regular, be specially considered by the Government of India.

Customs Service, Calcutta.

(*c*).—If the Collector of Customs in Calcutta, in transferring an officer from the Extra or Contingent List of the Calcutta Customs Preventive Service, declares that the transfer is made on the ground of good service rendered, the service on the Extra or Contingent List qualifies.

Settlement and Survey Departments.

Section 22.—(*a*.)—Service in the Settlement and Survey Departments named beneath, which are on a quasi-permanent footing, qualifies:

The Settlement Departments in Madras, N. W. Provinces, Oudh and the Panjab.

The Revenue Survey Departments in Bengal, Madras and Bombay.

The establishments of the Inam Commissioners of Madras and Bombay.

The Alienation Settlement Department in Bombay.

1.—This rule does not apply to officers engaged on the understanding that their appointments are only temporary, or that they will be liable to discharge after a short period of service.

(*b*.)—In other provinces (and in the above-named provinces also, apart from the *regular* departments), settlement and survey work is temporary work, and those engaged in it do not earn pension. But service in the Settlement Department, in any province, and also service in the Malabar Escheat Establishment, Madras, qualifies if it is followed without a break by qualifying service.

1.—Deputy Collectors and similar gazetted officers, when not specially employed for temporary work, are not affected by this rule, as they count service independently of the particular department to which they happen for the time to be attached.

CHAPTER VI.

QUALIFYING SERVICE.

THIRD CONDITION.—SOURCE OF REMUNERATION.

Section **23**.—Service which satisfies the conditions laid down in CHAPTERS IV and V qualifies or does not qualify according to the source from which it is paid. Specification of sources.

Service is paid in the following ways:—

A.—From General Revenues.

B.—From Local Funds.

C.—From funds in respect of which the Government holds the position only of a trustee.

D.—By fees levied by law, or under the authority of the Government.

E.—By commission.

F.—By the possession, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money.

1. Officers on establishments of Political Agencies are exempted from this condition. But when their salaries are paid by Native States, they must pay to the Government of India a deduction of 12 per cent. in the case of superior servants, and 6¼ per cent. (one anna in the Rupee) in the case of inferior servants. Political Agencies.

This condition should be introduced gradually, whenever existing arrangements are revised. Officers of the Rewah Political Agency already pay 6 per cent.

A.

Section **24**.—If the service is paid from the General Revenues, it qualifies. Paid from General Revenues.

Section **25**.—The revenues of the Hyderabad Assigned Districts and of Mysore are part of the General Revenues within the meaning of the last Section; provided that pensions and gratuities for service wholly or partly paid from those revenues, shall be charged against those revenues wholly, or according to the rule of proportions, as the case may be. Berars and Mysore.

1. The same rule applies in the following cases:

(*a*).—Mamlatdars and Karkuns on establishments paid from the revenues of the Peint States.

(*b*).—Government servants in superior grades transferred to service under the Municipality of Malcolm Peith which is under Government control.

Section **26**.—When contributions are made by Railway Companies, or from Local Funds, or special sources, towards the cost of appointments and establishments which are maintained directly from the General Revenues, the numbers and pay being fixed by the Government of India, the establishments are treated as paid from the General Revenues. General Revenues recouped from other sources.

The following cases fall under this rule:

(*a*).—The Shipping Master, Deputy Shipping Master, and their establishments, at Bombay, and the Deputy Shipping Master in Calcutta, the expense of which appointments is provided for by shipping fees. Shipping Master

(*b*).—The establishment of the Hooghly College and Collegiate School, and also that of the Elphinstone College and High School, the costs of which are recovered from private endowments. Hooghly and Elphinstone Colleges.

(*c*).—Masters and Assistant Masters in schools established in Bombay on the old system (converse to the grant-in-aid system), whose pay was met in part by local contributions. The pension in this case is reckoned only on the share of salary paid by Government. Bombay Schools on old system.

Sehor School.

(*d*).—The establishment of the Sehor (Central India) School, the expense of which is reimbursed in part from local subscriptions.

Customs Establishments, Bombay.

(*e*).—The following customs establishments in Bombay, the cost of which (including, in the case of some of them, six per cent. additional to cover cost of pension) is reimbursed by private companies:

Name of Establishment.	Monthly Cost.	Name of Company reimbursing to Government.
1. Jamsetjee Bandar Custom House ...	159 0 0	Messrs. Remington and Company.
2. Hydraulic Press	130 8 0	Mr. Ardaseer Cowasjee Modee.
3. Victoria Land and Press	321 0 0	Messrs. Remington and Company.
4. P. & O. Company's Dockyard at Mazagon ..	621 8 0	P. and O. Company.
5. Arthur Bandar Custom House	40 0 0	London Asiatic and American Company.
6. Frere Land and Pier Company's Bandar ..	178 0 0	Messrs. Sir Charles Forbes and Company.
7. Arthur Bandar Fort Press Company ...	59 0 0	Messrs. Ewart, Lathem and Company.
8. Imperial Cotton Press	138 0 0	Narsee Keshowjee and Company.
9. Akbar Cotton Press Company	136 0 0	Messrs. Ewart, Lathem and Company.
10. Arthur Bandar Custom House	59 0 0	Hormusjee Dadabhoy Doobash.
11. Powder Works Bandar of the Mazagon Land Reclamation Company	249 8 0	Messrs. Ritchie, Stewart and Company.
12. Messrs. W. Nicol and Company's Dockyard, Mazagon	238 0 0	Messrs. W. Nicol and Company, Agents of the British India Steam Navigation Company.

Jail Writers, Bombay.

(*f*).—Second writers in jail establishments in the Bombay Presidency, sanctioned by Financial Department Order No. 523, dated 4th June 1867.

Book-keeper, High Court, Bombay.

(*g*).—The book-keeper of the High Court at Bombay whose pay is provided for by a three per cent. commission on invested funds.

B.

Paid from local funds.

Section 27.—Except as provided in the Sections immediately following, service paid from Local Funds does not qualify.

Discretional power of Government.

Section 28.—In the case of Local Funds which satisfy the two conditions following:

(1) that their income is derived from taxation, or other *permanent* source, and not from charitable donations, or voluntary subscriptions;

(2) that the source of their income is under the control of Government;

the Local Government may, at its discretion, treat the service as qualifying.

Explanation.

1. Taxes imposed by Municipalities are not under the control of Government, so that service under a Municipality cannot qualify for pension from Government. But there are, in the Bombay Presidency, some Local Funds administered by Municipalities, the source of whose income is under the control, not of the Municipalities, but of Government; for it is not in the power of the Municipalities to abolish them or reduce their income. In these cases, if the first condition is fulfilled, the Local Fund would be within the rule.

2. In the case of officers of establishments paid from Port Funds, managed by Government, and not by trustees, the rule in this Section applies absolutely.

Pension charged against fund.

Section 29.—Pension or gratuity for service under a Local Fund is paid from the Local Fund.

Mixed service.

1. When part of the service of an officer to whom such pension is conceded has been paid from the General Revenues and part from Local Funds, the pension is paid from these sources according to the rule of proportions. The Local Fund service may not be neglected, and a pension awarded solely for the service paid from General Revenues.

Pension Fund.

2. The Government does not guarantee the solvency of funds (such as the local educational pension fund, Bombay) formed by the subscriptions of Local Fund servants and established to provide pensions for them. (See Appendix C. Extract 1).

Section **30**.—In the following cases, service paid from Local Funds qualifies for pension or gratuity from the State : Exceptions to General Rule.

(*a*).—Government servants transferred to establishments under the Cotton Frauds Act, Bombay, before the receipt of the Secretary of State's despatch to the Government of India, No. 302, dated 16th December 1864, which directed their early re-transfer to the regular service. Cotton Frauds Establishment, Bombay.

(*b*).—Servants of the Lithographic Press, Calcutta, transferred with it to the Alipore Jail in January 1860, and afterwards paid from the convict labor fund. Lithographic Press, Calcutta.

(*c*).—Members of the regular Public Works Establishments, employed on local funds works, under the authority of Government. From the date of publication of this Code, this permission is restricted to Engineer Officers. Public Works Engineers lent to local funds.

C.

Section **31**.—Service paid from funds which Government holds only as a trustee does not qualify. Paid from Trust Funds.

Examples.—Courts of Wards. Attached estates.

See Chapter VII.

D. & E.

Section **32**.—(*a*).—Service in an office paid only by fees levied by law or under the authority of Government, or by a commission, does not qualify. Paid by Fees or Commission.

(*b*).—Service in an office paid by fees or by commission *in addition* to salary from the General Revenues qualifies.

1. Service as Administrator General, or as Official Assignee, does not qualify, even though (as in Madras and Bombay) the income from fees or commission is supplemented from the General Revenues. Administrator General, &c.

2. Nazirs on the establishments of Civil or Revenue Courts, who were paid wholly or partly by fees, are entitled to pension, unless the establishment on which they served is excluded by Section 14. Nazirs paid by fees.

3. Service as a Thoogyee (local collector of revenue) in Burmah, qualifies. Thoogyees.

F.

Section **33**.—Service paid by the possession, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify. Paid by a tenure in land.

1. An officiating hereditary district officer in Kaira appointed under Act XI of 1843, if transferred to qualifying service, counts his previous service. Kaira hereditary officers.

CHAPTER VII.

OFFICERS LENT TO NATIVE STATES, MUNICIPALITIES, &c.

[NOTE.—The rules in this Chapter apply also to Covenanted Civil Servants, and to Military officers in Civil employ. See Appendix C. Extract 2.]

Section **34**.—The following rules provide for the case of officers transferred, on or after the 14th October 1871, from qualifying service under Government to service under Native States, Municipalities, or other bodies financially independent of the Government of India. Provided that the transfer is made, under the general or special sanction of the Government of India, on public or political grounds, and not only in the interest of the officer transferred.

Transfers to service paid from Local Funds and not admitted under Section 28, and mere temporary transfers to service paid from Local Funds under which service is so admitted, are within the meaning of this Section.

Examples.—The following are examples of "bodies financially independent of the Government of India."

Port Trusts. Courts of Wards.

Note as to transfers before 14th October 1871.

[NOTE.—Before 14th October 1871, the date of the promulgation of the rules in this Chapter, service under Native States, Municipalities, or other bodies financially independent of the Government of India, did not ordinarily qualify, as it did not satisfy the first and third conditions of qualifying service. Unless specially exempted, or unless their case fell within one of the special rules stated beneath, officers, not being Covenanted Civil Servants, or officers of the Army, who accepted such service, ceased to have any claim on the Government of India in respect of pensions. The rules in this Chapter do not affect the position of these officers, and they must abide by the conditions under which they left the regular service. In the same way officers who may transfer their services in future will have no claim unless the transfer is such as is provided for in these rules.

Special rules in force before the 14th October 1871.

1. Officers transferred by competent authority to service under Native States, for a purpose in which the Government is interested, count their service, as if it were under the Government of India.

The following cases are within this rule:—

(*a*).—Teachers transferred to the service of the Chamba State. In this case the pension is paid by the Government of India and the Raja of Chamba according to the rule of proportions.

(*b*).—Officers transferred to service in the Kolapúr school; the pension being chargeable according to the rule of proportions to the Government of India, and to a fund formed by a contribution proportional to salary paid by the Chief of Kolapúr.

(*c*).—Officers transferred under the authority of the Government of the Panjab to service under the Bhawalpúr State. In this case the charge for the pension will be shared by the Bhawalpúr State according to the rule of proportions.

(*d*).—Assistant Opium Agents in independent Native States, whose pay is found by the Native States. In this case the pension is also paid by the Native States.

2. Subordinates in the Revenue Survey, temporarily lent to Municipalities for duty which, though paid for by them, also promotes imperial interests, count their service as if it were under Government.

3. Medical Officers lent to charitable dispensaries or hospitals, count their service as if it were under Government.

4. Officers transferred on or after 23rd April 1863 by the authority of Government, or their official superiors, from qualifying service under Government, to service of the following descriptions, count their service as if it were paid from the general revenues:

Service under the Courts of Wards.

Service in Jágír States in Bombay.

Service under the Taluqdari Settlement Officer in Bombay.

Provided that six per cent. of the salary be contributed to the Government of India, either by the officer himself, or from the funds whence the salary is paid. This proviso has effect from the 9th November 1870 in the case of service under the Courts of Wards, and from the 6th July 1871 in the case of service in Jágir States or under the Taluqdari Settlement Officer.]

Contribution required.

Section **35**.—(*a*).—From every officer transferred in the manner specified in the last Section, who does not wholly resign the service of Government, or who is not, for special and public reasons, exempted from the operation of the rules in this Chapter, a contribution shall

be levied of one-fifth of the salary which he receives from his employers; that is, he will receive from his employers pay and acting allowance fixed in accordance with the rules of the Government service, for the appointment which he holds or in which he officiates, and retaining four-fifths, will pay one-fifth to the Government of India.

(*b*).—In return for this contribution the Government accepts the charge for his pension or gratuity, and also that for his absentee allowances (except in the case of privilege leave, regarding which no arrangement can be made, and during which the contribution must be paid in the same manner as if the officer were on duty), in the same manner and to the same extent as if he were in the regular service of Government; save only that the calculation of pension, gratuity or absentee allowance is based only upon the four-fifths which he retains, instead of upon the full amount which he receives, of pay or salary.

1. With the special permission of the Government of India in the Financial Department, officers may make the contribution prescribed in this Section in respect of a part only, not being less than two-thirds, of their salary; provided that the pension, gratuity or absentee allowance will be calculated only upon four-fifths of the amount in respect of which the contribution is paid.

2. A Native officer may resign all claims to allowance during leave, other than privilege leave, and in such case the contribution required is 12 per cent. instead of one-fifth.

3. In the case of inferior servants to whom the leave rules do not apply, the contribution required is one anna in the rupee.

4. If the salary of the officers is disbursed at a Government treasury, the required contribution will be deducted at time of payment; otherwise the officers themselves must pay the amount directly to the British Government in such manner as may be arranged.

5. An officer whose services are lent or transferred, is not permitted to withhold the contribution upon condition that the time of his service so lent or transferred will not count for pension or for leave. He must either wholly resign the service of Government, or, unless he is specially exempted, make the contribution required by these rules.

6. The deduction made under this Section from the salary of a Covenanted Civil Servant includes the deduction on account of Annuity Fund. The portion which is to be considered as Annuity Fund deduction is equal to one-twentyfourth part of the salary remaining to the officer after the whole deduction; and until the Annuity Funds of the Madras and Bombay Civil Service are abolished, this portion of the deduction made from a subscriber to either of these funds, should be credited to the fund to which he subscribes.

7. No officer has any right of property in his contributions, or any claim upon Government in respect of them except to receive such pension, gratuity, or absentee allowance, as may become admissible to him in accordance with the rules of the Government service.

Section **36**.—The rules in the last Section do not apply to the following cases:— Excepted cases.

(*a*).—Teachers transferred to the service of the Chamba State. In this case the pension is paid by the Government of India and the Raja of Chamba according to the rule of proportions. Teachers in Chamba.

(*b*).—Officers transferred to service in Kolapúr school. In this case the pension is charged, according to the rule of proportions, to the Government of India and to a fund formed by a contribution proportional to salary paid by the Chief of Kolapúr. Kolapúr School

(*c*).—Assistant Opium Agents in independent Native States, whose pay is found by the Native States. In this case the pension is also paid by the Native States. Assistant Opium Agents

(*d*).—Medical officers lent to charitable dispensaries or hospitals. These count service as if it were under Government. Charitable Dispensaries

(*e*).—Officers lent to Her Majesty's Government in England or to any Colonial Government. These cases are left for special treatment as they arise. Colonial Governments.

CHAPTER VIII.

SUPERIOR AND INFERIOR SERVICE.

Section **37.**—Qualifying service is divided into superior and inferior.

[NOTE.—The terms "superior" and "inferior" will henceforth take the place of "eligible" and "ineligible" heretofore used.]

Inferior service

Section **38.**—Service on pay not exceeding ten Government rupees, and service in the following capacities, is classed as inferior:—

(*a*).—Messengers, orderlies, and peons.

(*b*).—Boatmen and seamen.

(*c*).—Artificers, (except as specified in Rule 1 under Section 39), handicraftsmen, and laborers.

(*d*).—Inferior and menial servants of all sorts.

1. The following have been held to be included in these designations:—

(*a*).—Priests and other officers employed to administer oaths, jamadars, sirkars, turnkeys, chaudharies of bazars.

(*b*).—Maistries in the Public Works Department, distributors and pressmen in printing and lithographing establishments.

(*c*).—Fotadars (money-testers), weighmen in mints (except the Head-weighman), shroffs, daftaries, and muchies.

2. Tallaties (village accountants) in Bombay are, by the terms of their appointment, classed with inferior servants.

Superior service

Section **39.**—Service in capacities other than those indicated in Section 38, is superior service, except where any class of servants have been graded as inferior by the rule or practice of the Local Government.

1. The following also are classed as superior if their pay exceeds 10 Government Rupees:—

High Class artificers

(*a*).—Cutlers in the Medical Department.

(*b*).—Artificers, Assistant Artificers, and Mounted Artificers in the Telegraph Department.

(*c*).—Mint Artificers, if their occupation is injurious to health.

[NOTE.—For Dockyard and Military Artificers there is no rule; but the Government of India, in the case of deserving men of long service, recommends the Secretary of State to award special pensions.]

Gunpowder Factory, Madras

(*d*).—Workmen employed in the Gunpowder Manufactory of Madras, before the 28th January 1871, when they become permanently disabled by sickness or old age. These are admitted even if their pay does not exceed Rs. 10.

Divers

(*e*).—Divers (in consideration of the dangerous nature of their employment).

Vaccinators

(*f*).—Vaccinators in the Bombay and Madras Presidencies (including in the Madras Presidency those whose pay is Rs. 10); and in other Presidencies where the vaccine establishment has been re-organised in accordance with Financial Department Order No. 4646, dated 23rd September 1863, those retained after the re-organisation.

Book-binders

(*g*).—Book-binders (*i. e.*, those whose professional occupation is book-binding, and who are not mere daftaries).

Shroffs

(*h*).—Shroffs in Madras who were in the service on 22nd May 1856, and Shroffs in Bombay, who were really clerks, and whose designation was, under the order of the Court of Directors, No. 1, dated 22nd October 1858, changed into Karkuns.

Bazar Kotwals

(*k*).—Kotwals of bazars.

[NOTE.—On 14th December 1869 the following was declared to be the establishment of Kotwals of bazars in Bombay, and the officers who, on that date, filled those posts, may be classed with superior servants retrospectively in respect of service as Kotwal or as Chaudhary of any of the bazars enumerated:—

Poona (two), Belgaum, Deesa, Mhow, Nasirabad, Aden, Malligaum, Assirghar, Neemuch, Ahmadabad, Ahmadnagar, Sholapore, Hyderabad, Jacobabad.]

(*l*).—Commissariat Inspectors, Hospital Purveyors and Victualling Gomashtas. Commissariat.

(*m*).—Vakils attached to the Barr Infantry (Mysore). Vakils.

(*n*).—Workmen employed in printing establishments, except those whose work is purely mechanical, such as distributors and pressmen. Printing establishments.

(*o*).—Section-writers and press servants admitted under Section 20, in those months only in which their earnings exceed Rs. 10. Section-writers.

2. If an officer holds two or more offices, each of which is inferior by reason of the pay not exceeding Rs. 10, he cannot count service as superior on the ground that the aggregate pay exceeds Rs. 10, unless the offices were arranged, and their pay determined with the intention that they should be held by one individual.

Section **40**. (*a*).—When the regular duties of an officer who bears an inferior designation are really such as are ordinarily performed by a superior officer, his claim to pension or gratuity should be specially referred to the Government of India. Doubtful cases.

(*b*).—On the other hand a person whose real duties are those of an inferior officer, is not entitled to pension or gratuity on the superior scale, merely because he draws pay under a superior designation.

Example.—A lithographic pressman charged for as a copying clerk.

1. In consideration of the low scale of pay prevailing in Mysore during the Native Administration, the Chief Commissioner may allow service, even on pay not exceeding Rs. 10, in offices which must have been filled by educated men, to reckon as superior service. (See Section 66, Rule 1).

2. A class of servants in the North-Western Provinces who were called "fotadars," but whose duties were really those of accountants, have been declared superior servants, under clause (*a*) of this Section. Fotadars.

CHAPTER IX.

PERIODS OF LEAVE AND SUSPENSION.

Section **41**.—Periods of absence on other than privilege or preparatory leave are not reckoned as superior service. Leave preparatory to leave on medical certificate is not reckoned as service in the case of an officer who has twice before had leave on medical certificate beyond India. Superior service.

1. This rule applies to leave on medical certificate taken before 1856. Such leave was reckoned as service under the old rules, but is not reckoned under the new rules, the periods of service required by which are generally shorter. Leave before 1856.

2. Leave during recess on half pay, granted to Native Surveyors in the Revenue Survey Department in Bengal, the North-Western Provinces, and the Panjab, being allowed for public reasons, is reckoned as service. Exception.

Section **42**.—In the case of inferior service, authorised leave is reckoned as service. Inferior service.

1. Leave not materially exceeding in amount that admissible under the Uncovenanted Service Leave Rules may, if granted by a competent authority, be considered "authorised."

Section **43**.—The time passed under suspension pending enquiry is reckoned as service in case of reinstatement. If suspension is adjudged as a specific penalty, the time is disallowed. Suspension.

1. If an officer who has been suspended pending enquiry into his conduct is reinstated, but with forfeiture of any part of his allowances for the period of suspension, this period is not reckoned as service. But the authority who reinstates the officer may expressly declare, *at the time*, that the period shall be reckoned.

CHAPTER X.

FORFEITURE OF PAST SERVICE.

Break in continuity

Section **44.**—A break in the continuity of service entails forfeiture of past service, except in the following cases :—

Leave

(*a*).—Authorised leave.

Absence after leave

(*b*).—Absence prolonged after the end of leave :

Provided that if an officer remains absent for more than a week after the end of privilege leave, his past services are forfeited, unless the authority whose duty it is to make the appointment re-appoints the officer and makes a declaration (to be communicated to the Accountant General) that his past services, or part of them, shall qualify. If he remains absent for more than a month, his past services cannot qualify without the special order of the Government of India.

This proviso has effect from 11th January 1869.

Suspension

(*c*).—Suspension followed by reinstatement.

Abolition of office

(*d*).—Abolition of office.

Transit

(*e*).—Transit from one appointment to another.

Transfer to non-qualifying service

(*f*).—Transfer to non-qualifying service in an establishment which is under Government control. The transfer must be made by an authority competent to sanction it; and an officer who voluntarily resigns qualifying service cannot claim the benefit of this rule. Transfer to a grant-in-aid school always entails forfeiture.

Mutiny

(*g*).—Loss of appointment owing to the mutiny, provided that the officer affected cleared his character, and was re-appointed as soon as a suitable vacancy was found for him.

Removal from office

Section **45.**—Resignation of the public service, or removal from it on account of misconduct, or for inefficiency, or on account of failure to pass a prescribed examination, entails forfeiture of past service.

1. But an officer who resigned the public service, before the 8th June 1863 in the case of superior servants, and before 1st September 1871 in the case of inferior servants, and was re-appointed to the public service within twelve months of his resignation, is permitted to count the service rendered before resignation. This rule can be applied to only one resignation in the case of each officer.

2. It is not admissible to grant to an officer pension or gratuity because he has misconducted himself, or because it is desired to remove him for inefficiency.

CHAPTER XI.

CONDITIONS OF AWARD OF PENSION AND GRATUITY.

Classification

Section **46.**—Pensions and gratuities are of four classes :

A.—Compensation pensions and gratuities.

B.—Invalid pensions and gratuities.

C.—Superannuation pensions and gratuities.

D.—Retiring pensions.

1. Gratuities are paid in single sums, and not by instalments.

A.

Compensation pension

Section **47.**—A compensation pension or gratuity is awarded to an officer discharged from the public service when, on reduction of establishment, his appointment is abolished.

1. Before a pension or gratuity is granted to an officer discharged on abolition of appointment, it must be carefully considered whether he cannot be provided for in some other manner. Heads of Departments, in forwarding to

the Local Government or to the Government of India, applications for such pension or gratuity, should invariably state for what reasons it has been found impossible to provide suitable employment for the applicant; and in the quarterly statements furnished by Local Governments of such pensions and gratuities, it should be stated in respect of each case, that it has been found on enquiry impossible to provide for the officer elsewhere.

Explanation

2. The discharge of one officer to make room for another is not the abolition of an appointment within the meaning of this Section; the abolition must produce a real saving to Government in respect of the cost of the appointment. If it becomes necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the Government of India.

3. An appointment, the pay of which is reduced as part of a general scheme of reduction, may be considered abolished within the meaning of this Section.

Graded officers

4. Deputy Collectors, Munsifs, and similar officers, who belong to the public service apart from their particular local appointment, cannot obtain pension or gratuity of this class, in consequence of the abolition of the particular appointment which they happen at the time to be filling.

Excepted cases

5. No pension or gratuity can be awarded on discharge after the completion of a specified term of service.

6. No pension or gratuity can be awarded for the loss of a local allowance.

Abolition of one of two appointments

7. If, of two appointments held by one officer, one is abolished, and the other retained, the case should be specially submitted to the Government of India.

Transfer to an appointment of less value

Section 48.—If an officer who is entitled to receive compensation pension or gratuity, accepts, instead, another appointment in the Government service (whether qualifying or not), he will, if he subsequently becomes entitled to receive a pension or gratuity of any class, receive not less than he would have been entitled to claim had he not accepted the appointment.

B.

Invalid pension.

Section 49.—An invalid pension or gratuity is awarded to an officer who, by bodily or mental infirmity, is permanently incapacitated for the public service, or for the particular branch of it to which he belongs.

1. An officer discharged on other grounds, has no claim under this Section, merely because he can produce medical evidence of incapacity for service.

2. To prevent undue liability for invalid pensions no person may be appointed to a superior grade in the public service in India without a certificate by a commissioned Medical Officer, or by a Medical Officer in charge of a Civil Station, that he has no disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for the public service of the Government of India. A similar rule is enforced by the Secretary of State in respect of persons selected by him for service in India.

Medical certificate by whom attested

Section 50.—Incapacity for service must be established by a medical certificate attested as follows:—

(*a*).—If the officer submitting it is on leave in England, by the Medical Board of the India Office.

(*b*).—If he is serving at any Presidency Town, by the Inspector General of the Medical Department.

(*c*).—If he is a superior servant and is serving within a moderate distance of a station where a Military Invaliding Committee is periodically assembled, by such Committee.

(*d*).—In other cases, the local Government may either accept a certificate given by a single commissioned Medical Officer or Medical Officer in charge of a Civil Station, or convene a special Invaliding Committee at a convenient Civil Station.

1. If the pension applied for exceeds Rs. 100 a month, a certificate by a single Medical Officer should not be accepted as sufficient, if it is possible, without undue inconvenience, to convene an Invaliding Committee, or to cause the applicant to appear before a Medical Board.

Medical certificate what to contain

Section **51**.—The medical certificate must state in sufficient detail :—

(*a*).—Whether the officer's incapacity for service is or is not permanent;

(*b*).—The nature of it, and especially whether it is in any degree the result of irregular or intemperate habits.

Pension awarded accordingly.

Section **52**.—If the incapacity is the result of irregular or intemperate habits, pension or gratuity cannot be granted; otherwise, it is for the Local Government to decide whether the officer's incapacity is such as to render it necessary to admit him to invalid pension or gratuity.

Officer to be at once discharged

1. An officer who has submitted a medical certificate of incapacity for further service must not (except for special reasons to be reported to the Government) be retained in the service, pending the decision on his application for pension. The object of this rule is to discourage tentative applications.

C.

Superannuation pension

Section **53**.—A superannuation pension or gratuity is granted to an officer compelled by rule to retire at a particular age.

1. An officer in a superior grade, who has attained the age of 55 years, should be required to retire, unless the Local Government considers him efficient and permits him to remain in the service. As the premature retirement of an efficient officer imposes a needless charge on the State, this rule should be worked with discretion; and no officer can *claim* to retire on the ground that he is 55 years old.

2. An annual return of officers, permitted to remain in the service after the age of 55 years, should be submitted in the subjoined form to the Government of India in the Administrative Department concerned :—

1. No.
2. Office.
3. Name of officer.
4. Present age.
5. Period of extension.
6. Grounds of extension and remarks.

3. In the Public Works Department, the above rule will not, until the 1st January 1876, apply to officers appointed to the Department before the 1st January 1871, unless they have attained the age of 60 years, or have been in the same appointment, grade, or class, for five years.

D.

Retiring pension.

Section **54**.—A retiring pension is granted to an officer who voluntarily retires after completing the requisite period of service.

CHAPTER XII.

AMOUNT OF PENSION OR GRATUITY.

Section **55**.—The amount of pension or gratuity awardable is determined by length of service as specified in the Sections immediately following.

Explanation.

1. An officer entitled to pension is not permitted to take gratuity instead.

A—FOR SUPERIOR SERVICE.

Compensation and invalid pension

Section **56**.—Compensation and invalid pension and gratuity :—

(*a*).—After service of less than fifteen years.—Gratuity not exceeding (except in special cases, and under the orders of the Government of India) one month's emoluments (as defined in CHAPTER XIII) for each completed year of service, and not exceeding twelve months' emoluments in all.

(*b*).—After service of fifteen years and less than twenty-five years.—Pension not exceeding one-third of the officer's average emoluments (as defined in CHAPTER XIII), and also not exceeding Rs. 2,000 a year if his average emoluments do not exceed Rs. 12,000 a year, or Rs. 3,000 a year in any other case.

(c).—After service of twenty-five years.—Pension not exceeding one-half of the officer's average emoluments, and also not exceeding Rs. 4,000 a year if his average emoluments do not exceed Rs. 12,000 a year, or Rs. 5,000 a year in any other case.

Section **57**.—Superannuation pension and gratuity :— Superannuation pension.

The same in amount as invalid pension or gratuity :

Provided that if an officer's qualifying service have begun after the 20th January 1871, and after he attained the age of 25 years, the pension admissible as invalid pension is to be multiplied by a fraction, the numerator of which is the number of years' service completed, not exceeding 30, and the denominator of which is 30. The limit of Rs. 2,000, Rs. 3,000, Rs. 4,000, or Rs. 5,000, is to be applied before, and not after, this multiplication.

Section **58**.—Retiring pension :— Retiring pension

After service of thirty years.—The same in amount as the invalid pension admissible after twenty-five years' service.

Section **59**.—In the following cases, the prescribed limits of Rs. 2,000, Rs. 3,000, Rs. 4,000, and Rs. 5,000, may be relaxed :— Extension of the maximum.

(a).—For officers whose average emoluments exceed Rs. 10,000 a year, and who entered the service before the 19th May 1855, or were, before the 6th August 1862, promoted to salaries exceeding Rs. 10,000 a year, the limit is ordinarily Rs. 5,000 a year; but in cases of extraordinary merit, pensions exceeding that limit may be allowed under the sanction of the Secretary of State.

(b).—To officers who entered the service before the 19th May 1855, but whose average emoluments do not exceed Rs. 10,000 a year, the Secretary of State, on the recommendation of the Government of India, sometimes awards special pensions in excess of the limits, for "unusually meritorious services."

(c).—For Native Judges (see Appendix B) who were in the service on the 29th October 1866, the limit is ordinarily Rs. 5,000 a year.

[NOTE.—The limits which may be relaxed under this Section, are the maximum money limits, and not the limits of one-third or one-half average emoluments.]

Section **60**.—The full pension or gratuity admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved. Explanation as to full pension.

1. Where the service has not been thoroughly satisfactory, the local Government should make such reduction in the amount of pension or gratuity as it thinks proper.

Section **61**.—In the following cases, certain privileges exist in respect of the length of service required for pension :— Privileges in counting service

(a).—For educational officers of the following classes entering the service after twenty-five years of age, the periods of service for pension are, twelve, twenty-two, and twenty-seven years, instead of fifteen, twenty-five, and thirty years respectively : Educational Officers

(1).—Inspectors of Schools.

(2).—Principals and Professors of Colleges.

(3).—Head Masters of Schools and Colleges.

To entitle an officer to the benefit of this rule the whole of the requisite period of service must have been passed in the grades specified.

(b).—Officers appointed before the 8th June 1863 may (if compelled to take invalid pension) be permitted by the Government to count service for one-third or one-half pension according to the old rules : provided that they have not enjoyed any advantages under the new leave rules which they might not equally have enjoyed under the old. The *amount* of the pension must, however, be calculated in accordance with the rules in this and the following Chapters. Officers appointed before June 1863

Example.—An officer has served Government for twenty-one years, of which five years were passed before he was twenty-two years old, and two years were passed on leave on medical certificate under the rules of 1856. His service calculated under the rules is only fourteen years, the rest being excluded by Sections 12 and 41, and he would not be entitled to pension under Section 56 (*b*); but under the old rules (See Appendix B) the whole twenty-one years would count, and he would be entitled to pension under Section 56 (*b*), having completed the twenty years' service required by the old rules.

Native Judges

(*c*).—Native Judges who were in the service on the 29th October 1866, and who were entitled to exceptional advantages under the old rules (see Appendix B) may count service for one-third and one-half pension in accordance with the old rules.

Lakhnow Garrison.

(*d*).—Uncovenanted officers who formed part of the garrison of Lakhnow during the siege in 1857 count one year's additional service.

Barrister appointments

Section **62**.—To the following officers, being barristers-at-law, or advocates of one of the High Courts of India, or of the Court of Session of Scotland, *viz.*:—

Judges of the Chief Court of the Panjab.

First Judges of Small Cause Courts of Presidency Towns.

Recorder of Rangún.

Secretary (formerly Assistant Secretary) to the Council of the Governor General for making Laws and Regulations.

Invalid and retiring pensions are admissible as follows:—

(*a*).—After six years and nine months' active service in one or more of the above offices, an invalid pension of £300 a year.

(*b*).—After eight years and eight months' such service, an invalid pension of £500 a year.

(*c*).—After twelve years' such service, a retiring pension of £750 a year.

1. Active service, besides time spent on duty, includes privilege leave, subsidiary leave, and periods of vacation during which the officer is not on furlough or extraordinary leave.

2. In cases not provided for by this Section, the officers specified come under the ordinary rules.

B.—FOR INFERIOR SERVICE.

For inferior service

Section **63**.—For inferior service pension and gratuity are awarded as follows:—

(*a*).—Compensation and invalid gratuity:

Service less than 5 years,———*nil.*

5 years and less than 10 years, — three months' pay.

10 „ „ 15 „ — four „ „

15 „ „ 20 „ — five „ „

20 „ or more — six „ „

(*b*).—Compensation pension:

Service not less than 30 years,—half pay not exceeding Rs. 4.

(*c*).—Invalid pension:

Service not less than 35 years,—half pay not exceeding Rs. 4.

1. In special cases, the Government of India grants more than half pay, but never more than Rs. 4.

2. For inferior service in Mysore no pensions are awardable, but compensation and invalid gratuities may be granted at the rate of one month's pay for each year of service, the pay to be taken at the average of the last three years. Inferior servants on the Sowar establishment and on the establishments attached to the Barr Infantry come under this rule.

3. To servants of the Mysore Palace establishment, the Chief Commissioner grants pensions at the rates prescribed in this Section; and he may grant compassionate pensions to helpless old servants not entitled to regular pensions. A portion, not exceeding half, of the pensions of these servants, may be continued to their widows, if they have no other means of subsistence, and no arrangement can be made to employ any member of the family.

C.—FOR SERVICE PARTLY INFERIOR AND PARTLY SUPERIOR.

Service partly inferior and partly superior

Section **64**.—If the service of an officer have been for some time inferior and for some time superior, he has the option of counting the whole as inferior service towards pension or gratuity on the inferior scale, or of counting so much of it as is superior towards pension or gratuity on the superior scale.

Section **65**.—If the officer was promoted from the inferior to the superior grades as a reward for meritorious service, the case may be specially considered by the Government of India.

1. This rule is to be strictly interpreted, and claims under it can be founded only on exceptional promotion, made out of the ordinary course.

CHAPTER XIII.

CALCULATION OF PENSION AND GRATUITY.

Meaning of "pay" and "emoluments."

Section **66**.(*a*).—The words "pay" and "emoluments" used in CHAPTER XII mean the pay and emoluments which the officer was receiving at the time of his retirement from service.

(*b*).—"Average emoluments" means the average calculated for the last five years of service.

1. In the case of officers claiming the benefit of Section 40, Rule 1, "average emoluments" means the average calculated for the whole of the service necessary to qualify for the pensions awarded, excluding any excess service rendered before the commencement of the necessary period.

Periods of leave, &c.

2. If during the last five years of his service an officer has been absent on leave with allowances, or has been suspended and reinstated without loss of past service, his emoluments shall, for the purpose of ascertaining the average, be taken at what they would have been, had he not been absent on leave, or suspended. But if the leave is reckoned as service under Section 41, Rule 2, only the allowances actually received during it should be taken into account.

3. If during the last five years of his service an officer has been for a period without allowances, or in inferior service, that period shall be disregarded in the calculation of the average, and an equal period prior to the five years shall be included.

Case of two appointments

4. If an officer at the time of retiring holds two appointments, in both of which the service qualifies, the pay and emoluments are taken at the aggregate of the two. But this does not apply to an officer temporarily holding, in addition to his own appointment, an appointment usually held by a separate officer; in such case only one of the appointments can be taken into account.

Definition of emoluments

Section **67** (*a*).—In the term "emoluments" are included the following:—

(1).—Pay of substantive appointment;

(2).—Personal allowance;

(3).—Fees or commission, where they are the authorised emoluments of an appointment, and are *in addition* to a substantive pay; and commission in the case of a Thoogyee;

(4).—Field allowances (*i. e.*, horse and tent allowances) of Surveyors and Assistant Surveyors;

(5).—Charge allowance to Signallers in the Telegraph Department;

(6).—Bullock train allowance in the Post Office Department.

(*b*).—Other allowances are excluded, such as—

(1).—Local allowances;

(2).—Allowances given for duties performed in addition to the work of a regular appointment;

(3).—Messing allowances, working allowances, and provision allowances to officers in the Marine Department;

(4).—House-rent allowance, or estimated value of free quarters;

(5).—Tour allowances (to officers who accompany the Viceroy, or any Government);

(6).—Allowance given in compensation for dearness of provisions.

Acting allowances

(*c*).—Acting allowances are not included unless the "acting" service is counted under Section 17, Rule 2.

Deputation allowances

1. When an officer in permanent employment is deputed on temporary duty, he cannot count the additional allowances obtained by the deputation. (See Section 18.)

2. But this rule does not apply to an officer deputed to service in the Income Tax Department, or to an officer deputed on abolition of his appointment, and by direct orders of Government, on special duty. In these cases the full allowances are taken.

3. When an officer is *temporarily* transferred to service not under the control of Government, and does not pay any contribution under Chapter VII, he cannot count, in respect of the time passed in such service, higher pay than he had at the time of transfer to it.

Section writers

4. In the case of section-writers and press servants admitted under Section 20, "pay" and "emoluments" mean the average earnings of the last six months of service. (If the gratuity is on the superior scale, this means the average of the last six monthly bills exceeding Rs. 10. (See Section 39, Rule 1 (*o*).)

"Average emoluments" means the average of the last seventy-two monthly bills exceeding Rs. 10.

Net emoluments only to be taken.

Section 68.—When part of an officer's pay or emoluments is intended to provide for expenses incidental to his duty, that part should be excluded.

Examples.—When a sowar's pay is intended partly to meet the expense of keeping a horse, the pay should be taken only at foot rates.

When a consolidated pay specifically includes tentage, travelling allowance, or house allowance, these should be deducted in calculating the pension.

The commission which a Thoogyee in Burmah obtains goes in part to pay expenses of collection and remittance of money. Account should be taken of the remainder only.

So also when an officer's pay is given at two rates, a smaller rate during stationary duty, and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation.

1. Only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not allowed in the calculation.

CHAPTER XIV.

APPLICATION FOR PENSION OR GRATUITY.

Service books to be kept

Section 69.—Every non-gazetted servant of Government, with the exception of Police officers, whose pay does not exceed Rs. 20, and officers in the Post Office Department whose pay does not exceed Rs. 10, is required to keep a service book in which should be entered a statement of every step in his official life, each entry being attested by the immediate head of the office in which he is serving.

If the officer to whom the book refers is himself a head of an office (*e. g.*, a Deputy Post Master or a Sub-Inspector of Police), the attestation should be made by his immediate superior.

1. The opening page should be divided for entries in the following form :

(1). Name of officer.
(2). Caste or race.
(3). Residence.
(4). Father's name and residence.
(5). Age.
(6). Exact height by measurement.
(7). Personal marks for identification.
(8). Date of entry.
(9). Signature of officer.
(10). Signature and designation of the head of the office.

The entries in this form should be renewed or re-attested at least every five years.

2. The remaining pages should be divided for entries in the following form :

(1). Name of appointment.
(2). Whether substantive or acting, and whether permanent or temporary.
(3). If acting, here state the substantive appointment.
(4). Pay.
(5). Acting allowance.
(6). Date of commencement of appointment.
(7). Signature of officer.
(8). Character of officer.
(9). Signature and designation of immediate head of the office.
(10). Date of termination of appointment.
(11). Reason of termination (such as promotion, transfer, dismissal, &c).
(12). Signature of immediate head of the office.

No entries need be made in column 8 except when there is anything either good or bad to be recorded.

3. Leave of every description (except casual), periods of suspension from employment, and other breaks of service, should be noted with full detail of their duration, by an entry written across the page, and attested by the head of the office.

4. A service book in the required form will be issued at cost price as soon as possible to each person at present in the service of Government, in which he should at once enter all past particulars of employment so far as relates to the establishment in which he is at present serving; and the head of the office will attest the entries after verification from his office records. To servants employed at any future time, a book will be furnished by the officer appointing them.

5. The service books will be kept in the office in which each officer is serving, being transferred with him from office to office. They may be given up to the officers to whom they refer, if they resign, or are discharged without fault, an entry being first made to that effect.

6. The officer to whom each book refers is himself charged with the duty of seeing that it is properly kept up and all erasures in it must be properly attested. If the book is not carefully kept up, difficulties may arise as to verification of service, should the officer afterwards apply for pension or gratuity.

Application for pension, non gazetted officers

Section **70**.—An applicant for pension or gratuity, not being a gazetted officer, should submit to the authority, whose duty it would be to fill up his appointment if vacant, his service book, and a statement of the following particulars :—

(*a*).—The age of the applicant.

(*b*).—List of appointments both substantive and acting held during the service in respect of which pension or gratuity is claimed, stating, when any appointment was only an acting one, what substantive appointment was held at the same time. The dates of the beginning and end of each appointment should be stated, and the pay and acting allowance drawn in each.

(*c*).—Dates of beginning and end of each period of leave.

(*d*).—An explanation of each break in continuity of service.

Verification of service.

Section **71**.—The authority receiving the application should then, in communication with the Account Departments, verify the services claimed.

1. In cases of inferior service (regarding which the records of the Account Offices are sometimes incomplete), he should first gather from official records and other sources all the information procurable. In cases of superior service, it will be sufficient to gather, in the first place, only such information as is *easily* procurable.

2. The information thus received should then be forwarded to the Account Officer concerned, *viz.*:—

For service in ordinary Civil Establishments ...	The Accountant General of the province;
„ „ the Public Works Department...	The Controller of Public Works Accounts;
„ „ the Post Office Department ...	The Compiler of Post Office Accounts;
„ „ the Telegraph Department ...	The Compiler of Telegraph Accounts;
„ „ the Military and Marine Departments.	The Controller of Military Accounts;
„ „ the Forest Department ...	In Madras and Bombay, the Provincial Accountant General; in other places, the Provincial Conservator;

for information as to whether his office records bear out the applicant's statements. If there be any discrepancy, the Account Officer will detail the nature of that discrepancy: for instance, that the post which the applicant states that he filled during a certain period is shown by his registers to have been filled by another man.

3. If the service claimed cannot be wholly verified from the records of the Account Offices, reference shall be made to the head of the office in which the applicant states he served during the period in doubt.

4. If for any particular reason, verification from that source is not practicable, the officer receiving the application should take the affidavit of the applicant (on plain paper,—see General Stamp Act, 1869, Section 15, Clause 12), and should also collect such collateral evidence as may be procurable: for instance, certificates, such as those given by an officer to a subordinate on his leaving an office, and the testimony of contemporary servants.

5. The service will be admitted or rejected upon consideration of the whole evidence thus afforded.

Form of application.

Section **72**.—After completing the verification in the manner prescribed in the last Section, the officer should draw up the application in Form A, Appendix A, and arranging with it all the documents relied upon for verification of the service claimed, in such manner that they can be conveniently referred to, should forward it, together with the officer's service book, through his official superiors to the Local Government.

1. He should certify in the application whether the character, conduct, and past services of the applicant are such as to entitle him to the favourable consideration of the Government. If the application is for pension or gratuity on the superior scale, he must be careful to enter all periods of leave, suspension, &c., which are not reckoned as service.

2. If the application is for an invalid pension or gratuity, the requisite medical certificate should be attached to the application; but if omission has been made in this respect, the Local Government may accept a certificate bearing subsequent date.

Gazetted officers.

Section **73**.—A gazetted officer should submit his application through his official superiors to the Local Government. The application should be drawn up, in the form prescribed in the last Section, either by the officer himself or by the head of the department in which he is serving; and the rules under that Section apply, save that it is not necessary to have the service formally verified before forwarding the application.

Section **74**.—The last officer through whom the application for pension passes should send it to the Accountant General, instead of forwarding it direct to Government. The Accountant General will, (after, in the case of a gazetted officer, verifying the service in the manner prescribed in Section 71), submit the application to the Local Government with a report as to the extent to which a claim for pension or gratuity is made out, and as to the rules applicable to the case. He will also certify the correctness of the calculations of service, and of pension or gratuity. Accountant General's report.

1. If the case is plainly incorrect or incomplete, the Accountant General should return it for correction or explanation.

2. In the Post Office Department, the Compiler being subordinate to the Director General, the application should go to him first, and to the Director General afterwards.

CHAPTER XV.

POWER OF LOCAL GOVERNMENTS AND OF THE GOVERNMENT OF INDIA.

Section **75**.—In a case falling clearly and strictly within the letter of the rules, the Local Government may grant the pension or gratuity admissible. If an interpretation of the rules is involved, or if any indulgence not provided for by the rules is proposed, the Local Government should submit the case, with its opinion and recommendation, to the Supreme Government. Power to grant pensions.

1. The Governments of Bombay and Madras should, upon questions of pension and gratuity, communicate with the Secretary of State through the Supreme Government.

Section **76**.—Quarterly statements of pensions and gratuities granted should be submitted by each Local Government to the Supreme Government in Form C, Appendix A (one for pensions, the other for gratuities), within a month after the end of each quarter. Quarterly Statements.

1. The statements of pensions and gratuities granted by the Governments of Bombay and Madras in the Military Department should be separate from the statements of those granted in the Civil Department.

Section **77**.—All claims to pension and gratuity are considered in the Financial Department of the Government of India. But the other Departments exercise the powers of Local Governments over officers serving under their immediate orders. Quarterly statements need not be prepared by these Departments, but they should forward to the Financial Department copies of the formal application, of the Accountant General's report, and of the order sanctioning each grant. Government of India.

Section **78**.—Pensions and gratuities in excess of the amounts admissible under rule, or involving any relaxation of rule, require the sanction of the Secretary of State. Secretary of State.

1. The Government of India ordinarily declines to pass any orders as to the pension to be granted to an officer until he actually retires. Memorials upon the subject, addressed prematurely to the Secretary of State, are uniformly returned. Claims by officers not retired

CHAPTER XVI.

MANNER OF PAYMENT.

Section **79**.—The order sanctioning the grant of a pension or gratuity to be paid in India should be forwarded, with a copy Sanction of pension.

of the formal application, to the Accountant General of the province in which payment is to be made.

1. Pensions and gratuities (except pensions awarded under Section 62) must always be stated in rupees and not in sterling, even though they are to be paid in England.

Permanent payable order.

Section **80**.—The Accountant General will then, in case of a pension, draw up a permanent-payable-order in Form B, Appendix A, and will forward it to the officer who is to pay the pension.

1. This officer will retain one-half of the order, and will deliver the other half to the pensioner. The pensioner is not to have access to the half kept by the disbursing officer, in order that there may be as little facility as possible for fraudulent personation.

2. Each payment made is to be entered on the reverse, both of the pensioner's half and of the disbursing officer's half of the order, the entries being attested at the same time by the signature of the disbursing officer. When the reverse of a permanent-payable-order is filled up, both halves should be returned to the Accountant General for renewal.

3. If a pensioner loses his half of the permanent-payable-order, the disbursing officer's half may be returned to the Accountant General, in order that he may issue a new order. The requirements of rule 2 will prevent any payment being made on the half alleged to be lost.

Pension when payable.

Section **81**.—Pensions are payable in India in monthly instalments due after the end of each calendar month.

1. Apart from special orders, pensions other than extraordinary pensions under CHAPTER XXII are payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of the application, whichever is later.

2. The object of the latter alternative in the preceding rule is to prevent unnecessary delay in the submission of applications. The rule may be relaxed in this particular by the local Government when the delay is sufficiently explained.

Personal appearance at time of payment.

Section **82** (*a*).—Unless specially exempted by the Local Government, pensioners must appear in person at the time of taking payment, and be identified by comparison with the permanent-payable-order.

(*b*). Female pensioners who are not accustomed to appear in public, and male pensioners who are unable to appear in consequence of bodily illness or infirmity, or are exempted from personal appearance by the Local Government, may receive their pensions upon the production of a life-certificate signed by a responsible officer of Government, or by some other well-known and trustworthy person. In such cases the disbursing officer must take all possible precautions to prevent imposition, and must, before the first payment in each year, require proof not only of the existence of the pensioner, but also, in the case of a male, of his inability to attend in person to receive payment.

1. Disbursing officers are personally responsible for payments wrongly made, and should take every precaution against fraudulent personation. In cases of doubt they should refer to the Accountant General.

2. Respectable pensioners may be identified by the disbursing officer at his own house, instead of being made to appear at his public office.

3. If a pensioner or a person entitled to a gratuity dies, payment of any arrear actually due may be made to his heir. The payment may be made, under the orders of the Local Government, even if the pension or gratuity have not yet been sanctioned. If an officer dies before actually retiring or being discharged, his heirs have no claim to anything.

Certificate of non employment.

Section **83**.—Pensioners, drawing pension in India, are required to append to their bills a certificate as follows:—

"*I declare that I have not received any remuneration for serving Government in any capacity during the period for which the above amount of pension is due.*"

1. In the case of pensioners permitted under CHAPTER XX to draw pension after re-employment, this certificate must be modified according to the facts.

Section **84** (*a*).—An annual return of pensioners in form E, Appendix A, should be sent to the Accountant General, from every office where pensions are disbursed. The Accountant General will submit them, after compilation, to the Government of India. Annual return.

(*b*).—The return is in three parts, (1) for pensions not exceeding Rs. 10; (2) for pensions exceeding Rs. 10 but not exceeding Rs. 50; (3) for pensions exceeding Rs. 50.

(See Appendix C, extract 3.)

CHAPTER XVII.

PLACE OF PAYMENT.

Section **85**.—A pension is payable at any treasury in India, or at the Home Treasury in London. A gratuity is payable at any treasury in India. Payable at any Treasury.

1. Payments at the Home Treasury are made quarterly at the rate of exchange which is annually fixed for the adjustment of transactions between the British and Indian Exchequers.

Section **86**.—Transfer from the Home Treasury to an Indian Treasury, or *vice versâ*, is permitted only once. Transfer between England and India.

1. Applications for transfer of payment from India to the Home Treasury should be made to the Accountant General within whose jurisdiction the treasury of payment is. If the transfer is admissible, he will grant a last-pay-certificate, forwarding a duplicate to the Financial Department of the Supreme Government (or, in Bombay and Madras, to the Local Government) for transmission to England; if not admissible, he will take the orders of the Government of India in the Financial Department.

2. If the pension is not wholly chargeable against the General Revenues, care must be taken to state on the certificate how it is to be debited.

Section **87**.—A Local Government may, on application, and on sufficient cause shewn, permit transfer of payment from one treasury in India to another. This duty may be delegated to Commissioners of Divisions or to any higher executive authority. Transfer in India.

1. Copy of the order directing the transfer should be forwarded to the provincial Accountant General, and the Collector of the district from which the payment is to be transferred should be instructed to return his half of the permanent-payable-order. The Accountant General will then issue a new one to the officer who will in future pay the pension, or, if the officer belongs to another province, will move the Accountant General of that province to do so.

CHAPTER XVIII.

LAPSE AND FORFEITURE OF PENSIONS.

Section **88**.—If a pension payable in India remains undrawn for more than six months, the permanent-payable-order must be returned to the Accountant General, and the pension ceases to be payable. If the pensioner afterwards appears, the disbursing officer may reclaim the permanent-payable-order and renew the payment, but the arrears cannot be paid without the order of the Local Government obtained through the Accountant General. Through falling in arrears.

1. If the suspension of payment is attributable to error or neglect by any public officer, the Accountant General may direct payment of the arrears without taking the orders of the Government.

2. Arrears due to deceased pensioners are payable to the heirs within six months after the pensioner's death. They cannot be paid thereafter without the sanction of the Local Government.

Section **89**.—A pension which has not been drawn for two years lapses, and can be restored only by the Government of India.

On conviction of crime.

Section **90**.—Future good conduct is an implied condition in every grant of pension, and the Government reserves to itself the right of withholding a pension, if the pensioner be convicted of serious crime.

CHAPTER XIX.

COMMUTATION OF PENSIONS.

Rate of commutation.

Section **91**.—Life pensions not exceeding twenty rupees *a year* may, at any time, on certificate of good health by the medical officer (Covenanted or Uncovenanted) of the district, be-commuted at the following rates :—

Age of Pensioner.	*Years' purchase of pension.*
Less than 10 years ...	13
10—20 „ ...	12½
20—25 „ ...	12
25—30 „ ...	11½
30—35 „ ...	11
35—40 „ ...	10½
40—45 „ ...	10
45—50 „ ...	9½
50—55 „ ...	9
55—60 „ ...	8
60—65 „ ...	7
65—70 „ ...	6
More than 70 „ ...	Inadmissible except by special order of the Government of India.

1. If a pensioner whose pension has been commuted dies before receiving the commutation value, it is payable to his heirs.

CHAPTER XX.

RE-EMPLOYMENT OF PENSIONERS AND PERSONS WHO HAVE OBTAINED GRATUITIES.

After compensation gratuity

Section **92**.—An officer who has obtained a compensation gratuity, if re-employed in qualifying service, has the option of retaining the gratuity, in which case his previous service will not count for future pension or gratuity, or of refunding it and counting his previous service.

1. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and not less than the whole gratuity divided by the number of months which have elapsed since it became admissible. The right to count previous service does not revive till the whole amount is refunded.

After compensation pension

Section **93**.—An officer who has obtained compensation pension, if re-employed, may retain his pension in addition to his pay, provided that the sum total does not exceed the pay of the appointment on abolition of which the pension was given. If his re-employment is in qualifying service, he has the option of retaining his pension (subject to the proviso above stated), in which case his previous service will not count for future pension, or of ceasing to draw any part of his pension and counting his previous service. No refund of pension intermediately drawn is required.

1. In the case of a section-writer or press servant (see Section 20) re-employed, the pay of the appointment abolished is taken at the average earnings of the last six months of employment.

Section **94.**—There is no absolute bar to the re-employment of an officer who has regained health after obtaining invalid gratuity or pension. The rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after compensation gratuity or pension. After invalid pension

Section **95.**—A superannuation pensioner is, by the nature of the case, excluded from re-employment. After superannuation pension

Section **96.**—Officers who have obtained retiring pensions cannot be re-employed, except on strong public grounds, and with the express sanction of the Government of India in the Financial Department. When so re-employed, they are permitted to draw pension in addition to full pay. There is not so much objection to the employment of such pensioners in service paid from Local Funds. After retiring pension.

No officer can be permitted to retire with the view of being re-employed, whether in the general service or at the charge of Local Funds, and drawing pension in addition to pay.

1. The rules in this CHAPTER do not apply to officers pensioned on the abolition of the Indian Navy. If these are re-employed, their service will be on exactly the same terms as if they had never been employed before. But so long as they are employed, their navy pension will be held in abeyance, except so much of it as is necessary to raise their total emoluments to one-and-a-quarter times the amount of the pension. If they have commuted their pension for a single payment, the same deduction will be made from their allowances as if they had not. Navy pensioners.

2. Nor do these rules apply to military pensioners in civil employ. The claim of such persons to salary, pension, and gratuity in the Civil Department are dealt with without reference to their military pension. But the pensions of commissioned officers other than "good service" pensions, and of the heirs of native non-commissioned officers and soldiers, will, during their employment, merge in their salaries. Military pensioners.

3. Civil, Military, and Naval pensioners also may, under the orders of the Local Government, be employed without loss of pension, on purely temporary duty, lasting for not more than a year.

4. If an officer of the Subordinate Medical Department, holding a civil appointment, continues in civil employ after he has earned his military pension, the pension remains in abeyance.

CHAPTER XXI.

SPECIAL RULES FOR THE POLICE.

Section **97.**—The following special rules apply to the members of Police Forces constituted under the following Acts:

XIII of 1856 of the Governor General of India in Council.
XXIV of 1859 ,, ,, ,,
V of 1861 ,, ,, ,,
VII of 1867 of the Governor of Bombay in Council.

1. The Trans-Indus Police Force, though not organised under Act V of 1861, and never possessing a Superannuation Fund, is on the same footing with respect to pension and gratuity as the regular Panjab Police.

MUNICIPAL AND RAILWAY POLICE.

Section **98** (*a*).—If the police of a town is wholly supported by, and under the control of, a municipality, the Government has no concern with their pensionary allowances. Municipal Police

(*b.*) But if the Government, being interested in the efficiency of a police force paid wholly or partly by a municipality or from the general revenues subsidised by a contribution from a municipality, undertakes the organisation and control of the force, as connected with, and auxiliary to, the civil constabulary, service in it is treated as service under Government, the contributions of the municipalities towards the cost of the pensions and gratuities of such forces being, for the present, undetermined.

1. The police forces in the Presidency Towns of Calcutta, Madras and Bombay, and in the Municipalities in Lower Bengal, come under clause (*b*).

Railway Police.

Section **99.**—In like manner the Railway Police on the East Indian Railway and in Bombay, though the Railway Companies contribute towards their cost, are a branch of the regular police, and their service in it is treated as service under Government.

1. In the Bengal Division of the East Indian Railway, the Railway Company pay six per cent., in addition to pay and salary, to discharge liability for pension. In the other Divisions another arrangement is in force.

QUALIFYING SERVICE.

Qualifying service

Section **100.**—Service in any of the Police Forces mentioned in Section 97, after the establishment of a Superannuation Fund in the force, qualifies.

[NOTE.—The Superannuation Funds were funds to which, with the exception of certain soldiers of the Sikh Darbar (see Section 16 (*e*)) and members of the Oudh Military Police, police officers whose pay did not exceed Rs. 20 were obliged to contribute. By these contributions they became entitled to pensions according to the rules of the several funds.

Officers whose pay exceeded Rs. 20 did not contribute, as they came under the operation of the ordinary pension rules.

By Act X of 1869, the Superannuation Funds, established under Acts XXIV of 1859 and V of 1861 of the Governor General in Council, and VII of 1867 of the Governor of Bombay in Council, were abolished. The Superannuation Fund which had been established in the Madras Town Police, under Act XLII of 1856, having been, by Act VIII of 1867 of the Governor of Madras in Council, amalgamated with that established under Act XXIV of 1859, was abolished with the latter. The Funds established under Act XIII of 1856, in the Calcutta and Bombay Town Police, are still in existence.

In the Police Forces of which the Superannuation Funds were abolished, the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less the subscriptions to the Funds, the Government undertaking the liabilities of the Funds.]

1. Members of office establishments permitted to subscribe to the Police Superannuation Fund by Financial Department Order No. 3398, dated 27th July 1863, may count the service during which they so subscribed.

Exceptional privileges.

Section **101.**—In the following cases, members of police forces have exceptional privileges in regard to pension:

Sikh Darbar Soldiers.

(*a.*)—Soldiers of the Sikh Government to whom service was guaranteed (see Section 16 (*e*)), and who, on the breaking up of the Panjab Military Police in which they had enlisted, were transferred to the Civil Police, are, if their pay does not exceed Rs. 20, entitled to invalid pensions at line rates for their service under the Sikh Darbar, and in the Military Police, and in the Civil Police.

1st Class Sergeants get pension as Havildars, 2nd Class Sergeants as Naiks, and Constables as Sepoys.

Oudh Military Police.

(*b.*)—Men who, after completing, on 3rd May 1861, four years' service in the Army, or in the Oudh Military Police, were transferred to the Oudh Civil Police, and were in employ in that force on 26th January 1864, are, if their pay does not exceed Rs. 20, entitled for their service in the Army, and the Military Police, and in the Civil Police, to pensions on the terms applicable to local and irregular troops of the rank corresponding to that which they may attain in the Police.

(c.)—Men of the Mhairwarra Battalion, who were present on parade on 1st July 1857, and were subsequently transferred to the Ajmír and Mhairwarra Police, are entitled to pensions at the rates for soldiers of the line. Mhairwarra Battalion.

Section **102**.—In the following cases service rendered before enlistment in the new Police Constabulary qualifies: Previous service when qualifying.

(a.)—In the first two cases mentioned in Section 101, if the men subscribed to the Superannuation Fund in order to obtain the higher pensions admissible under its rules, or if, through serving on pay higher than Rs. 20, they have become entitled to the pension prescribed in Section 106, the previous service mentioned in Section 101 qualifies. Sikh Darbar Soldiers and Oudh Military Police.

(b.)—Men of the Army transferred to the Police on the reductions of the Native army which were made in 1861, count their army service. Men of Native Army.

(1.)—In February 1867 it was declared that this rule would be applicable to all future transfers to the Police on occasions of reduction of the Native army.

(2.)—In the Panjab Police, men counting service under this rule, if they were faithful during the mutiny when their regiments joined the rebels, are entitled to pensions at the rates for soldiers of the line, instead of the rates of the Superannuation Fund.

(3.)—Men of the Army who formed part of the garrison of Lakhnow during the siege in 1857, count three years' additional service.

(4.)—A man voluntarily taking discharge from the Army and entering the Police, cannot count past service.

(c.)—Men who were enlisted in the Central Provinces Police in 1861, after discharge with gratuity from the Nagpúr Irregular Force, or who were transferred to the Police from that force, or from the Mulkí Horse, count their service in these forces and also that in the forces of the late Raja of Nagpúr. Nagpúr Irregular Force.

(d.)—Men of the Berar Police, recruited from the Hill Rangers, count their service in that corps.

(e.)—Service in the 1st Bengal Military Police Battalion and service in the Oudh Military Police qualifies. Military Police.

(f.)—Service in superior grades in the old Police (*i. e.*, darogas and officers of higher rank) or in any other department qualifies. Previous superior service.

(g.)—In the North-West Provinces and Oudh, men count half their service in inferior grades in the old Police.

(h.)—Men transferred from the Army to the Military Police in the years 1858 to 1861, preserved whatever title they had, at the time of transfer, to pension for army service. At the same time, service in the Military Police did not give any further title to pension, except in the cases specially mentioned above. Accordingly, men who possessed this title to pension for army service, and were transferred from the Military Police to the Civil Police, count their previous army service. Army service and Military Police service.

(k.)—Pensions granted to men who count army service under the above rules will, if their service in the army was sufficient to entitle them to pension if discharged without fault, be a charge on the Military Department; otherwise the whole will be a charge on the Civil Department. Pensions for Army service how chargeable.

Section **103**.—Policemen on pay not exceeding Rs. 20, who re-enlist within one year after discharge, may, at the discretion of the Inspector General, count their service before discharge. Break in service.

AMOUNT OF PENSION OR GRATUITY.

Section **104**.—The pension or gratuity admissible to an officer whose pay at date of discharge or resignation does not exceed Rs. 20, Officers on pay not exceeding Rs. 20.

will be determined, as prescribed in the next Section, according to one of the following scales :—

SCALE A.

According to the rules of the Superannuation Fund of the force.

1. As the Superannuation Funds did not always provide for compensation pensions and gratuities, the following orders were issued with reference to the reductions directed in 1869 :—

(1.)—Compensation pension and gratuity should beawarded at the same rate as the Superannuation Fund Rules provide for invalid pensions and gratuities.

(2.)—But if the gratuity thus awardable is less than the amount (without interest) of the officer's subscriptions to the fund, the difference should be made up.

SCALE B.

According to the rules prescribed in CHAPTERS XI, XII, and XIII, for the calculation of pensions and gratuities for superior service, except that (1) all service after the age of 18 years qualifies; (2) in addition to the leave which, under Chapter IX, is reckoned as service, one year's leave in fifteen years' service, and two in thirty years' service, is so reckoned.

Section **105**(*a.*)—The pensions and gratuities of officers of the Town Police of Calcutta and Bombay are regulated by scale A.

(*b.*)—The pensions and gratuities of officers of other forces are regulated as follows:—

(1.)—Those who were members of the forces before the 19th July 1871—by scale A or scale B according to their election (which, by Financial Department Order No. 2091, dated 19th July 1871, they were directed immediately to declare).

(2.)—Those who enlisted or re-enlisted on or after the 19th July 1871—by scale B.

Officers on pay exceeding Rs 20.

Section **106**.—The pension or gratuity admissible to an officer whose pay at date of discharge or resignation exceeds Rs. 20 is determined by the rules which apply to ordinary service, except that service rendered after the completion of 22 years of age, and declared by this CHAPTER to be qualifying, is treated as superior service.

1. When a police officer, by promotion to a pay exceeding Rs. 20, loses any benefit as to pension or gratuity which he would have enjoyed had his pay remained unchanged, his pension or gratuity may be regulated as if he had not received the promotion.

Previous inferior service

Section **107**.—If part of an officer's continuous service qualifies for pension or gratuity on the inferior scale, but does not qualify under the rules in this CHAPTER, he may elect to receive, in lieu of the pension or gratuity admissible under the rules in this CHAPTER, such pension or gratuity as is admissible to him, under Sections 63 and 64, for the whole of his service both inferior and superior.

Example.—Officers who were transferred to the new Civil Police from inferior grades in the old Police or from the Military Police, and who are not entitled under Section 101 or 102 to count previous service, may obtain pension under this Section.

1. Officers who under Section 105 (*b* 1) have elected to abide by Scale B, will, if they take gratuity under this Section, obtain in lieu of the scale prescribed in Section 63 (*a.*) one month's pay for every complete two years of service, but not more than twelve months' pay in all.

Section **108**.—Except in the case of the Town Police of Calcutta and Bombay (Section 105(*a*)),pensions and gratuities are to be calculated upon the net pay, *i. e.*, the pay actually received by the officer, and not upon the gross pay, *i. e.*, the pay from which were deducted the subscriptions to the Superannuation Funds (see note under Section 100) ; but this rule shall not be applied to any officer, who, on 19th July 1871, was entitled, by the rules of the Superannuation Fund, to have his pension or gratuity calculated on his gross pay, until he be either promoted to higher pay, or degraded, for misconduct, to lower pay. To be calculated on net pay

1. Good service pay is not reckoned in calculating pension or gratuity except in the case of those who, before the 19th July 1871, were members of the Police Forces of Bengal (excluding the East India Railway Police) or the Panjab.

VERIFICATION OF SERVICE.

Section **109**(*a*.)—There shall be kept up for each district, by the District Superintendent of Police, a service roll in English, in which shall be recorded the date of the enrolment of each man in the constabulary, his caste, tribe, village, age, height, and marks of identification at the time of enrolment, his rank, promotion, reduction or other punishment, his absences on leave or without leave, the breaks in his service, and every other incident in his service which may involve forfeiture of portions of his service, or affect the amount of his pension or gratuity. Service rolls

(*b*.)—The roll shall be checked by the vernacular roll and order book, and the punishment register, and every entry in it shall be signed by the District Superintendent of Police.

(*c*.)—In addition to the above roll the Inspector General of Police shall keep a record of all service on pay exceeding Rs. 20 (except that of gazetted officers), and shall verify the record annually in communication with the Local Accountant General.

(*d*.)—From this roll the necessary statements of service of all applicants for pension shall be prepared, additional proofs being collected, as prescribed in Section 71 in respect of any service rendered before enrolment in the constabulary which the Police officer may be entitled to count.

1. District Superintendents of Police should be on their guard against endeavours to retire on invalid pension by officers who are capable of serving longer. Medical officers should be very searching in their examination of the physical unfitness of the applicants for further duty; and, whenever the number of applicants for pension or gratuity is large, the examination should, if possible, be conducted by two medical officers.

POWER OF SANCTION.

Section **110**.—Claims by police officers on pay not exceeding Rs. 20, to pension or gratuity only for the period of continuous and verified service in the force in which at the time of application they are serving, may, if admissible under the strict letter of the rules, be allowed by the Inspector General of Police, and reported to the Accountant General with the necessary particulars for identification. Sanction.

All other claims will be treated under the ordinary rules.

1. Claims to extraordinary pension or gratuity (see Chapter XXII), even though they may be provided for by the rules of the Superannuation Fund, are subject to the rule in Section 118.

2. The quarterly statement submitted by the Local Government to the Supreme Government, should contain particulars of all pensions and gratuities granted by the Inspector General as well as by the Local Government.

MANNER OF PAYMENT.

Section **111**.—Payment of a pension or gratuity shall be made by the treasury officer of the district where the payee resides, on Payment.

permanent-payable-orders (in the case of pensions), and on the identification of the payee by the District Superintendent of Police; and special committees shall be assembled every five years for identifying the pensioners.

CHAPTER XXII.

EXTRAORDINARY PENSIONS.

A.—In cases of injury or death.

Section **112.**—The following are the Rules for the grant of gratuities and pensions,

(*a*) to men so injured in the execution of their duty as to be incapacitated for earning a livelihood;

(*b*) to the families of men killed in the execution of their duty.

They apply to all persons employed to do the work of Government, whether permanently, temporarily, or even casually, and whether remunerated by a fixed salary, or (as miners in the Panjab Salt Mines) for piece-work. They apply also to village watchmen.

Not cases of mere accident.

Section **113.**—Pension or gratuity is granted only when injury or death is met in the performance of a duty which is attended with extraordinary bodily risk. The Government recognises no claims on account of loss of life or bodily injury resulting from an ordinary accident.

The following would be regarded as *primâ facie* cases of ordinary accident:—

A policeman falling from his horse.

A policeman on escort duty killed by sun-stroke.

A lascar killed by the snapping of a hawser.

A laborer falling under a burden.

1. The Government recognises no claim on the part of widows on account of the services of their husbands. It is the duty of Government officers themselves to provide for their families, the more so that the Government assists certain funds established for the purpose of enabling them to do so.

Claims recognised in case of death

Section **114.**—A pension or gratuity is granted to the family of a man killed in the execution of his duty, only if he had wife, sons or daughters (legitimate), father or mother, dependent upon him for support.

1. To native claimants preference is given in the following order: son, widow, daughter, father, mother.

Amount of pension.

Section **115.**—The amount of gratuity or pension is to be regulated by—

(*a*) the character and service of the man injured or killed;

(*b*) the nature of the risk undergone, and the conduct of the man in accepting it;

(*c*) the nature and extent of the injury received;

(*d*) the pecuniary circumstances and prospects of the claimant.

1. The Government does not bind itself to grant gratuity or pension in every case, nor, if it grants pension, to grant it for life.

Preliminary enquiry

Section **116.**—Whenever a claim for gratuity or pension is made, the head of the office in which the man killed or injured was employed, will hold a formal enquiry, taking evidence on the following matters:

(*a*) the circumstances under which the injury was received, or the life lost;

(*b*) the relationship (in the case of death) and the pecuniary circumstances of the claimants.

Section **117**.—The head of the office will then submit the case with a report, through his official superiors, to the Government, sending (in the case of a man injured) the usual form of application (Form A, Appendix A) and (in the case of a man killed) a statement in Form D, Appendix A. Pension Roll

Section **118**.—The Local Government may grant gratuity not exceeding six months' pay (which is ordinarily the maximum given), reporting the grant as in the case of an ordinary gratuity. If it deems a grant of six months' pay insufficient, it should report the case with a recommendation to the Government of India. Power of Local Governments

Section **119**(*a*.)—The Government of India grants pensions to the widows and children of policemen, or of village watchmen, killed in the execution of duty, not exceeding two-thirds of the deceased's pay. The grants are made on the principle of giving rather less than would be given in the case of a soldier of similar class killed in action. Power of Supreme Government.

(*b*.)—Otherwise pensions or gratuities in excess of the amount admissible under the last Section require the sanction of the Secretary of State.

B.—Military Service.

Section **120**.—Officers and men, enrolled as volunteers, and having a military organisation, enjoy the same privileges in regard to compensation for wounds, as men of corresponding grades in the regular service, unless they are entitled, under the following rules, or under special conditions of service, to higher rates:

(*a*.)—Officers of the Covenanted Civil Service wounded in action while serving (under circumstances justifying their presence) with military forces, will receive such compensation as may be awarded by the Government of India, subject to the confirmation of the Secretary of State.

(*b*.)—Other civil officers of the Government will receive compensation in proportion to their salaries according to the following scale:—

If on salaries of	Rs. 500	a month, or upwards,	as Captains.
"	300	"	Lieutenants.
"	200	"	Ensigns.
"	100	"	Subadars.
"	50	"	Jamadars.
"	16	"	Sepoys.

(*c*.)—Persons not in Civil or Military Service, wounded in action while serving (as aforesaid) with military forces, will receive compensation according to their station in life, as compared with that of Military Officers, each case being considered separately on its own merits by the Government of India, and compensation awarded subject to the confirmation of the Secretary of State.

C.—Mutiny Pensions.

Section **121** (*a*.)—Widows of Uncovenanted Servants who have received pensions on account of their husbands having been killed in the mutiny retain half their pensions after remarriage. Their half pension is not increased on second widowhood.

(*b*.)—Daughters of Uncovenanted Servants in the Panjab, who have mutiny pensions "payable till marriage," receive, on marriage, seven years' pension as a dowry.

APPENDIX A. FORM A.—(Four pages.)

FIRST PAGE.

APPLICATION FOR PENSION OR GRATUITY.

1. Name of applicant.
2. Father's name.
3. Sect or caste.
4. Residence.
5. Present or last employment.
6. Date of beginning of service ... ... 1st May 1851.
7. Date of end of service ... ... 30th June 1871.

	Y.	M.	D.
8. Length of service including breaks	20	2	0
of which superior	17	2	10
inferior	1	5	0
non-qualifying and breaks	1	6	20

9. Class of pension or gratuity applied for, and cause of application.*
10. [Average] emoluments or pay.
11. Proposed pension.
12. Proposed gratuity.
13. Date from which to commence.
14. Place of payment.
15. Age of applicant on this date.
16. Height.
17. Marks.
18. Date

* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

SIGNATURE OF HEAD OF OFFICE.

HISTORY OF THE SERVICE (SHOWING BREAKS) OF

SECOND PAGE.

Establishment.	Appointment.	Pay.	Acting allowance.	Date of beginning.	Date of end.	Period reckoned as service.	Period not reckoned as service.	Remarks.	How verified.	Remarks by Accountant General.
		Rs.	Rs.			Y. M. D.	Y. M. D.			
Collector of Hooghly	Muharrir	10	.....	1st May 1851 ...	15th Aug. 1861	.....	0 3 15	Inferior grade.	By Accountant General, Bengal.—See enclosure A.	
Ditto ...	Ditto ..	15	.....	16th Aug. 1851	30th Sept. 1852	.....	1 1 15	Under 22 years of age.		
Ditto ...	Ditto ...	15	.....	1st Oct. 1852 ..	7th May 1856	3 7 7	...	.....		
On sick leave	...	...	.....	8th May 1856 ..	7th Nov. 1856	.....	0 6 0	.....		
Collector of Hooghly	Muharrir ...	15	.....	8th Nov. 1856	15th Jan. 1859	2 2 8	.....	...		
Out of employ	...	...	.....	16th Jan. 1859	17th Jan. 1859	.....	0 0 2	Resigned to join new appointment.		
Post Office	Deputy Post Master, Burdwan ...	25	.....	18th Jan. 1859	11th July 1865	6 5 24	.....	.....	Compiler of Post Office Accounts.—See enclosure B.	
Under suspension	...	...	.....	12th July 1865	1st Sept. 1865	.....	0 1 20	Suspension adjudged as a penalty		
Post Office ...	Deputy Post Master, Burdwan	25	.....	2nd Sept. 1865	3rd March 1869	2 6 2	.....	.....		
Ditto ...	Ditto Offg Post Master ...	25	10	4th March 1869	3rd Dec. 1869	1 0 0	.....	.....		
Out of employ by abolition of appointment.				4th Dec. 1869..	1st Nov. 1870	.....	0 10 28			
Judge of Nuddea ...	Clerk ..	40	.....	2nd Nov. 1870	30th June 1871	0 7 29	.....	.....	Accountant General, Bengal.—See enclosure C.	
Total period of superior service ...						17 2 10				

THIRD PAGE.

REMARKS BY HEAD OF OFFICE.

1. As to character and past conduct of applicant
2. Explanation of any suspension or degradation
3. Regarding any gratuity or pension already received by applicant. See Chapter XX
4. Explanation under Section 47, Rule 1, so far as the Head of the office can give it.
5. Any other remarks

SIGNATURE.

CERTIFICATE AND REPORT OF ACCOUNTANT GENERAL.

CERTIFIED that (subject to the remarks below recorded) qualifying service in [*inferior or superior*] grades has been duly proved for years months days; and that a [*pension or gratuity*] not exceeding Rs. , is admissible under Section of the Civil Pension Code. The calculations have been duly verified.

Accountant General.

FOURTH PAGE—(DOCKET).

APPLICATION FOR PENSION OR GRATUITY.—

Date of application.

Name of applicant.

Last appointment.

Class of pension or gratuity.

Amount of pension sanctioned.

Amount of gratuity sanctioned.

Date of commencement.

Date of sanction.

FORM B.

(Obverse).

COLLECTOR'S BILL.

Place for signature of pensioner on the first payment made hereon _____

Class of Pension and date of order sanctioning it.	Personal identification.	Height.		Age when pensioned.	Sect or Caste	Residence.	Amount of monthly pension.
		Feet.	Inches				

ACCOUNTANT GENERAL'S OFFICE;

No._____ *Calcutta*_____187 .

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to_____ the sum of Rupees_____ being the amount of_____ Pension, as _____

upon the production of the duplicate hereof, taking from the claimant a separate receipt for the amount according to usual form.

Accountant General.

To the Collector of_____

NOTE.—*Payment of this Bill is to be made only to the pensioner in person*, unless specially exempted, or unless disabled from appearing by illness or bodily infirmity, in which case payment may be made upon a life-certificate signed by a responsible officer of Government, or other well-known and trustworthy person.

PENSIONER'S BILL.

NAME OF PENSIONER_____

Class of Pension and date of order sanctioning it.	Age when pensioned.	Sect or Caste.	Residence.	Amount of monthly pension.

ACCOUNTANT GENERAL'S OFFICE;

No._____ *Calcutta*_____187 .

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to_____ the sum of Rupees_____ being the amount of_____ Pension, as_____

upon the production of this Bill and a separate receipt according to usual form.

Accountant General.

To the Collector of_____

NOTE.—Payment of this Bill is to be made only to the pensioner in person, unless specially exempted, or unless disabled from appearing by illness or bodily infirmity, in which case payment may be made upon the production of this order, and upon a life-certificate signed by a responsible officer of Government or other well known and trustworthy person.

(Reverse.)

REVERSE OF COLLECTOR'S BILL.

This document is to be retained by the disbursing Officer so long as the authority remains in force, and every separate payment is to be recorded below.

When paid.	For the Month of	Amount.	When paid.	For the Month of	Amount.

REVERSE OF PENSIONER'S BILL.

Every separate payment is to be recorded below by the disbursing Officer.

When paid.	For the Month of	Amount.	When paid.	For the Month of	Amount.

FORM C.

Statement of $\frac{\text{Pensions}}{\text{Gratuities}}$ sanctioned by the_____ in the_____ Department during the quarter ending _____18

Column 1.—Serial number.

" 2.—Name of recipient.

" 3.—Designation of last employment.

" 4.—Name of office in which last employed.

" 5.—Character.

" 6.—Period counted as service.

" 7.—$\frac{\text{Average emoluments}}{\text{Pay or emoluments at time of discharge}}$

" 8.—Class of $\frac{\text{Pension}}{\text{Gratuity}}$ granted.

" 9.—Amount of $\frac{\text{Monthly Pension}}{\text{Gratuity}}$ granted.

" 10.—Remarks (here note any cases where less than the full pension or gratuity admissible has been granted; also cases where the pension or gratuity is chargeable to other than general revenues.)

FORM D.

Application for an extraordinary pension or gratuity for the family of_____ late a_____killed in the execution of duty.—Submitted by the

(A.) Description of claimant.
- 1.—Name and residence.
- 2.—Age.
- 3.—Height.
- 4.—Religion, caste, or tribe.
- 5.—Marks for identification.
- 6.—Present occupation, and pecuniary circumstances.
- 7.—Degree of relationship to deceased.

(B.) Description of deceased.
- 8.—Name.
- 9.—Occupation and service.
- 10.—Length of service.
- 11.—Nature of injury causing death.

(C.)
- 12.—Amount of pension or gratuity proposed.
- 13.—Remarks.

FORM E.

RETURN OF PENSIONS PAID AT _____ DURING THE YEAR 187 -7

Pensions exceeding Rs. _____ *and not exceeding Rs.* _____

		Present Age (last birth-day) of pensioners.									Remarks.
		Not more than 50 years.	51 to 60 inclusive.	61 to 65 inclusive.	66 to 70 inclusive.	71 to 75 inclusive.	76 to 80 inclusive.	81 to 85 inclusive.	86 and upwards.	Total.	
1.—Number of pensioners in the list at end of last year. Heading 9 of year's return ...											
2.—Deduct the number transferred into the next period of age											
3.—Add the number transferred from the last period of age											
4.—Number from last year thus corrected for age											
5	New names brought on the list. By new pensions ...										
6	New names brought on the list. By renewal after being struck off										
7	New names brought on the list. By transfer from other offices										
8.—Total of headings 4 to 7, being total number to be accounted for											
9.—Number on pension list at end of year ...											
10	Removed during the year. By transfer to other offices										
11	Removed during the year. By death or non-appearance for six months ...										
12.—Total of headings 9, 10, 11, being total number accounted for											

NOTES.—Headings 2 and 3 show the transfer rendered necessary by pensioners passing from one of the periods of age into the next. Hence each entry under heading 3 will be the same as the entry under heading 2 in the next preceding column.

Heading 6.—Enter here any persons who, after being entered under heading 11 of any previous statement as having been struck off the list, on account of non-appearance for six months (Code, Section 88) are again admitted into the list.

APPENDIX B.

PENSION RULES OF 4TH JANUARY 1831.

RULES relative to the grant of superannuation pensions to subordinate officers in the Civil Department.

Subsidiary and supplementary rules of subsequent date are printed in small type.

Section 1.—Superannuation pensions will be granted only to the superior classes of public servants indicated in the annexed list.

[NOTE.—This list is not published, as the Code sufficiently declares to whom these rules may now be applied.]

Inferior servants, sowars, armed or organized peons, including jamadars and other ranks, lascars, boatmen, artificers, labourers, and menials are to have no claim to such provision.

Section 2.—With the exception of Native Judges and Law Officers, the applicant must have been employed in the public service for a period of at least twenty years.

Section 3.—The public servant, whatever may have been the period of his service, must be incapacitated for further employment, by old age, protracted ill-health, loss of sight, or other bodily or mental infirmity.

Section 4.—The character, conduct, and past services of the public servant must be favourably certified by the officer or officers under whom he may have been employed, and must appear to be such as to entitle him to the favorable consideration of Government.

Section 5.—Whenever it may be judged expedient to grant a pension to a public officer, whose case may come within the foregoing provisions, the amount of the pension shall be limited as follows:

Clause 1*st*.—If the period, during which the individual may have been actually employed in the public service, shall be more than twenty years, but less than thirty years, the amount of the pension shall not exceed one-third of the monthly salary or authorised official allowances of such individual, calculated on an average of five years previously to the date of the application for such pension.

Clause 2*nd*.—If the period of actual service shall have been thirty years or upwards, the amount of the pension shall not exceed one-half of the salary, or authorised allowances of the individual calculated in manner above stated.

1. Pension may be awarded on the above scale, to persons thrown out of employ by reduction of establishment, without their being required to produce medical certificate.

2. In the despatch from Court of Directors, No. 18, dated 5th May 1854, the following further rule is prescribed:

"We authorise you to grant to any Uncovenanted Servant belonging to a class recognised by the present rules, who, though not possessed of medical certificate of incapacity, may be permitted to retire from the service and who can produce

unquestionable testimonials of a faithful, efficient discharge of his duties during a period of 35 years, a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service, they will not in any case be claimable as of right; and every pension, which you may see sufficient reason to grant, must be reported to us with a statement of the grounds of your proceeding."

RULES REGARDING SERVICE.

3. The period of service must be continuous, but a break between two periods of employment, if it does not exceed 12 months, and was not caused by dismissal from office for misconduct, will not prejudice the officer in whose service it occurs.

4. To the following extent leave counts as actual service:

(*a.*) All leave taken before the Uncovenanted Service Leave Rules of 1856.

(*b.*) The following leave taken under the rules of 1856:

Two out of three years obtainable on medical certificate.

Leave subsidiary to leave on medical certificate.

Privilege leave.

Leave on private affairs on half pay, (sec. VII).

(*c.*) Leave during recess on half pay granted to Native Surveyors in the Revenue Survey Department, Bengal, North-Western Provinces, and the Panjab.

5. Service before the attainment of 16 years of age does not qualify for pension.

RULES FOR CALCULATION OF PENSION.

6. "Authorised official allowances" include the following:

(*a.*) House-rent allowance, or value of official residence.

(*b.*) Personal allowance given as compensation for reduction of salary.

The following are not included:

(*a.*) Personal allowances otherwise than as above.

(*b.*) Horse and tent allowances.

Clause 3rd.—For Law Officers and Native Judges, the period of 15 years shall be substituted for that specified in clause 1st, and 22 years for the term mentioned in clause 2nd.

1. This rule applies also to Principals and Head Masters of Colleges and Schools, and also to Inspectors and Professors.

2. The concession granted by the rule applies only to cases where the whole of the prescribed period of service has been rendered in the privileged capacities.

3. Law officers are a class which now no longer exists. The designation "Native Judges" applies to officers in such positions as Principal Sudder Ameen, Sudder Ameen, and Moonsiff. Goung Gyoups in Burmah are also "Native Judges." Magistrates of Police and Judges of Small Cause Courts are not "Native Judges;" but a "Native Judge" transferred to be a Judge of a Small Cause Court will retain his privileges.

Clause 4th.—The rates of pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service.

1. The limit of pension in ordinary cases is Rs. 5,000 per annum; but this is subject to the rules under Section 59 of the Code.

APPENDIX C.

EXTRACTS.

1.

From the letter of the Government of India in the Financial Department, to the Government of Bengal, No. 3177, *dated* 31*st August* 1871.

4. The references made in your letter to a proposed formation of a pension fund by deduction from salaries probably arise from the orders of this Department No. 940, dated 16th June 1870, which contained, as models, certain rules proposed by the Government of Bombay for the constitution of an educational Pension Fund there.

5. The Government of India, on a reconsideration of the whole subject, is disposed to withdraw the approval which it then expressed of the scheme set forth in these rules. There is an almost entire absence of data on which to estimate the amount of deduction which would be necessary to render such a fund solvent, and such calculation as can be made renders it extremely doubtful whether five per cent. is nearly enough to cover the contingent charge; and it is of course out of the question to guarantee from imperial revenues the solvency of any such fund. A pension fund formed by deduction from salary is, perhaps, objectionable also on another ground, namely, that it to a certain extent unnecessarily fetters the hands of the employer.

6. In the case, therefore, of local funds which will beyond a doubt be able, without embarrassment, to meet the pensionary claims of employés, it seems to the Government of India that it would be best, should the local Government think proper to grant to the employés a right to pension, to leave the pensionary claims to be met when they arise. And in local funds regarding whose position there is not the same absence of doubt, it would appear to be the wisest course to abstain from making any absolute promise of pension. The ability of such funds to provide any pensions which, on special grounds, it may be deemed desirable to grant, can be more easily determined when the claim is presented for consideration, than it can be at a time antecedent by many years to the actual accrual of the charge.

7. It might even be a matter for the consideration of the local Government whether, considering the peculiar constitution of local funds, it would not be well, especially in the case of such as are of uncertain solvency or stability, to credit to a separate account the capital value of any pension granted. The necessity of providing at once the entire value of a pension, instead of throwing the charge forward upon future years, would perhaps afford a useful check against indiscriminate recommendations by those who have the management of the funds.

2.

From Resolution of the Government of India in the Financial Department, No. 4359, *dated* 14*th October* 1871.

The position of the Government of India, and the difficulty experienced by Native States and public bodies in obtaining competent officers without its assistance, frequently render it necessary for the Government, for political and for public reasons, to transfer its officers to service paid for from sources other than its own revenues. Such transfers would, as a general rule, be impossible if the condition were insisted on, that the officer transferred should give up his privileges as an officer in the service of the Government of India; and in the papers above read, the question is discussed what financial arrangements are proper to be made in the case of officers of Government lent to, or transferred to service paid by, Native States, Municipalities, and other bodies financially independent of the Government of India, such as Courts of Wards, Port Trusts, &c., and permitted at the same time to retain their privileges as servants of the Government of India.

2. The remuneration of officers of Government may be thus classified—

Immediate—Their pay and allowances while on duty;

Contingent—Their absentee allowances;

Deferred—Their pensionary allowances;

and such officers when lent to Native States, &c., though they obtain their "immediate" remuneration from the State or fund at the charge of which they are employed, look, for the most part, to the Government of India for their "contingent" and "deferred" remuneration.

3. It may sometimes be expedient, for special reasons, that the Government of India should bear such charges; but as a rule it is not so; and it is necessary to prescribe the conditions which should be imposed, so that such charges may be avoided, unless the Government, for special reasons, accepts them.

4. The Government of India have accordingly resolved to require, on account of every officer lent or transferred to a Native State, or a Municipality or other financially independent body, who is permitted to retain his position in relation to the service of Government, and his claims to absentee and pensionary allowances under the rules of the service to which he belongs, and with regard to whom the exemption contemplated in paragraph 3 is not declared, a contribution proportional to the salary which he receives and regulated on the following principles:—

5. In the first place it is to the officers themselves, and not to their employers, that the Government will look for the contribution required: any other course would be productive of difficulty and inconvenience.

6. In the second place, a calculation founded upon such data as are available shows that the cost to Government of the charges above classed as contingent and deferred, excluding, however, privilege leave allowances, is about one quarter of the amount actually disbursed in the form of "immediate" remuneration.

13. In the case of Covenanted Civil Servants the contribution of one-fifth required by this resolution, includes the four per cent. deduction to the Annuity Funds which will not be separately levied. The amount of the contribution to be credited to the Annuity Fund is $3\frac{1}{3}$ per cent. of the full nominal pay and acting allowance, being one-twenty-fourth part of the amount retained by the officer after deduction.* This proportion, being one-sixth of the entire contribution, will be credited to the Annuity Funds, so long as they are maintained.

* *i e.*, the same as 4 per cent retained out of 100.

3.*

From Resolution of the Government of India in the Financial Department No. 1586, *dated* 22*nd March* 1871.

The Governor General in Council has had under consideration the question of how to guard against fraudulent claims to pensionary allowances being put forward by strangers after the actual incumbents are dead.

2. The chief protection against such claims must be the careful testing by disbursing officers of each claim at the time it is presented.

3. But it seems advisable also that statistical information regarding pensions should be kept up, and for this purpose His Excellency in Council is pleased to direct that, from every office where pensions are disbursed, returns in the annexed form shall annually be made to the Account office to which it is subordinate:—

(1).—For pensions not exceeding Rs. 10.

(2).—For pensions exceeding Rs 10, and not exceeding Rs. 50.

(3).—For pensions exceeding Rs. 50.

4. The Account officers should scrutinise the information thus received, in order that enquiry may be at once made where any remarkable longevity appears, or where any other anomalous features present themselves.

5. His Excellency in Council is well aware that there is great difficulty in exercising a check by this means on the action of local officers. The instances in any single disbursing office are necessarily too few to warrant the assumption that their departure from mathematical regularity requires any special explanation; and on the other hand, in the compilation of the figures of several offices, the effects caused by the perpetration of frauds in any one would probably disappear in the mass.

6. But while His Excellency in Council, in view of this difficulty in supervising this particular part of their work, confidently expects at the hands of local officers extreme caution in dealing with claims to pensions, he does not doubt that the information contained in the forms now prescribed will be found in both central and local offices to be of great value.

THE CIVIL PENSION CODE.

SUPPLEMENT A.

COVENANTED CIVIL SERVANTS.

[NOTE.—The rules in this supplement are already in force for the Bengal Civil Service. Their extension to the Madras and Bombay Civil Services is under discussion; but at present the members of these two services are not entitled to any annuity from the State. They obtain annuities under the rules of their respective annuity funds.]

Section 1.—Annuities and gratuities are granted to Covenanted Civil Servants of the Crown in India under the following rules.

"Active service."

Section 2.—"Active service" includes the following periods, besides time spent on duty:

(*a.*) The interval between the date of an officer's first arrival in India and the date on which he joins his first appointment.

1. The date of an officer's first arrival in India is held to have been as follows :—

Before the 31st January 1868,—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive,—the date on which he reported his arrival at the capital town of the Presidency to which he was attached; or if he was attached to the North-West Provinces, the Panjab, or Oudh, and had permission to come to India *viâ* Bombay, the date on which he reported his arrival at Bombay.

On and after the 5th May 1869,—the date on which he reported his arrival either at the seat of the Government to which he was attached, or at any other station to which he may have been ordered, or permitted, to proceed direct.

2. If an officer does not join his first appointment within the joining time allowed to him, the interval between the end of joining time and the date on which he actually joins, is not reckoned as "active service."

(*b.*) Time passed out of employ on subsistence allowance in India, otherwise than on furlough.

1. If a Covenanted Civil Servant on his first arrival in India is unable, through bad health, to proceed to the seat of the Government to which he is attached or to any other station to which he may have been ordered, the Local Government in whose jurisdiction he is, may, on medical certificate, grant to him a subsistence allowance of Rs. 250 a month, for not more than two months. Time thus spent is not reckoned as active service.

(*c.*) Subsidiary leave of absence.

1. "Subsidiary leave" includes the corresponding "special leave" under the rules in force before the 1st July 1868.

(*d.*) Privilege leave of absence.

1. "Privilege leave" includes the corresponding "short leave on private affairs" and "leave on private affairs" under the leave rules in force before the 1st July 1868.

(*e.*) Leave of absence within the limits of the East India Company's Charter, which counted as service and residence under the rules in force before the 18th June 1855.

(*f.*) Leave of absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also reckoned as active service; but not more than twelve months can be so reckoned to any officer.

2. One year of leave of absence on medical certificate was reckoned as "residence" under the leave rules in force before the 1st July 1868. This is not reckoned as "active service," as a reduction of one year has been made in the period required to qualify for annuity.

Section **3**.—Four per centum shall be deducted, at the time of payment, from the salary and other public emoluments, as specified below, of every officer :— Deduction from salary

Bengal Civil Service	...	From every allowance except mileage allowance (at 8 annas or 3 annas a mile), and special rewards.
Madras Civil Service	...	From pay, acting allowance, subsistence allowance and leave allowance only.
Bombay Civil Service	...	From every allowance except house-rent, travelling allowance, tentage, and special rewards.

1. The deduction required by this Section is included in the deduction made under Chapter VII of the Code, and is not to be separately made.

Section **4**.—An officer who has been twenty-five years in the service counting from the date of his covenant, or from the date of the despatch of the Secretary of State announcing his appointment (whichever may have been earlier), Retiring annuity

and who has rendered twenty-one years' active service,

is entitled, on his resignation of the service being accepted, to an annuity of £1,000.

1. An officer may resign the service when absent in Europe on furlough. It is not necessary that he should first return to India.

Section **5**.—An officer who, being declared by a medical certificate in due form, to be incapacitated for further service, is permitted to resign the service before he is entitled to an annuity under Section 4, is entitled to a gratuity or annuity as follows :— Invalid annuity

(*a*.) If he have been in the service for less than five years,—a gratuity of £500.

(*b*.) If he have been in the service for five years or more,—an annuity of £150, plus £20 for each complete year of service in excess of five : provided that the whole annuity shall not exceed £450.

Section **6**.—Annuities are payable, in arrear, quarterly, and to date of decease. Place and rate of payment

Section **7**.—Payment of these annuities and gratuities may be taken at the Home Treasury in sterling, or in India in Government rupees at the following rate :—

If the annuitant was a member of the Bengal Civil Service, $10\frac{2}{3}$ Government rupees for each pound sterling ;

If the annuitant was a member of the Madras or Bombay Civil Service, 10·65 Government rupees for each pound sterling ;

Transfer from the Home Treasury to an Indian Treasury, or *vice versâ*, is permitted only once.

[NOTE.—The reason of the difference in the rate of exchange is to be found in the history of the annuity funds. The rates of exchange differ considerably in the various service funds.]

SUPPLEMENT B.

JUDGES OF THE HIGH COURTS.

[NOTE.—The following are the regulations made by the Secretary of State in Council of India, under the provisions of 24 & 25 Victoria, Cap. 104, Sec. 6, respecting the retiring pensions of the Judges of the High Courts. They were approved in the Judicial Despatch by the Secretary of State, No. 43, dated 11th October 1871.]

Section 1.—A Chief Justice of the High Court at Calcutta, after an actual service of eleven and a half years as Judge of the High Court, of which period at least half shall have been in the office of Chief Justice, shall receive a pension not exceeding £1,800 per annum.

[NOTE.—In these rules, "actual service" includes the period during which a Judge is carrying on his duties in a High Court, also periods spent on privilege and subsidiary leave, and periods of vacation during which the Judge is not on "furlough or extraordinary leave."

"Extraordinary leave" means any leave granted otherwise than under the rules made by the Secretary of State in Council of India, under the provisions of the Act of Parliament above quoted.]

Section 2.—A Puisne Judge of the High Court at Calcutta, on the same terms as to length of service, shall receive a pension, not exceeding £1,200 per annum.

Section 3.—A Chief Justice of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, after an actual service of eleven and a half years as Judge of the High Court, of which period at least half shall have been in the office of Chief Justice, shall receive a pension not exceeding £1,500 per annum.

Section 4.—A Puisne Judge of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, on the same terms as to length of service, shall receive a pension not exceeding £1,200 per annum.

Section 5.—A Chief Justice or Puisne Judge compelled to retire on medical certificate after six years and nine months' actual service shall receive a pension not exceeding one-half the amount of pension allowed for the full period of service.

Section 6.—In the event of a Judge of the High Court, selected from the Covenanted or Uncovenanted Services, receiving a pension under these rules, he will not be entitled to any pension or retiring allowance under the rules applicable to Covenanted and Uncovenanted Servants, respectively.

Section 7.—When a Judge of the High Court, selected from the Covenanted or Uncovenanted branches of the Civil Service, is permitted to retire before completing the full period of service entitling him to the pension of a Judge of that Court, he shall, on retiring, receive such a pension as he would be entitled to under the rules applicable to Covenanted and Uncovenanted Servants, respectively, reckoning the period during which he shall have served as Judge of a High Court towards his time for such pension.

Section 8.—Provided, however, that if a Judge of the High Court, selected from the Covenanted or Uncovenanted branches of the Civil Service, shall be compelled to retire, on medical certificate, after six years and nine months' actual service, he shall be allowed the option of taking his pension or retiring allowance either under these rules or under the rules applicable to the service to which he belongs.

Section 9.—A Judge of the High Court, selected from the Covenanted Civil Service, shall be required to continue his subscriptions to the Civil Annuity and Civil Service Funds.

Section **10**.—If a Judge be transferred from one Court to another, the period he shall have officiated in the first Court shall count as service qualifying for retiring pension.

Section **11**.—If a Puisne Judge be promoted to be a Chief Justice in the same or another Court, the time he will have served as Judge will count for pension, according to the rate of a Judge's pension, and the time he shall serve as Chief Justice will count for pension according to the rate of a Chief Justice's pension.

Section **12**.—If a Judge of Madras, Bombay, or North-Western Provinces be promoted to be Chief Justice of Calcutta, the time he will have served as a Judge will count for pension at the rate of a Judge's pension, and the time he will serve as Chief Justice of Calcutta will count for pension according to the rate of such Chief Justice's pension.

Section **13**.—If a Chief Justice of Madras, Bombay, or the North-Western Provinces be transferred to be Chief Justice of Calcutta, the time he shall have served in the former capacity will count for pension according to the rate of pension of a Chief Justice of Madras, Bombay, or the North-Western Provinces, and the time he shall serve as Chief Justice of Calcutta, shall count for pension according to the rate of pension of a Chief Justice of the High Court of Calcutta.

SUPPLEMENT C.

CHAPLAINS AND ASSISTANT CHAPLAINS.

[Will be published hereafter.]

SUPPLEMENT D.

MEMBERS OF THE PILOT SERVICE IN BENGAL.

[*Note*.—The following rules were declared in 1835.]

Section **1**.—In consideration of a monthly contribution to the extent noted in the margin, by the pilots of the several grades towards a fund for pensionary support to their widows and orphans, the following pensions will be allowed by Government:—

	Contribution.
Branch Pilot, at ...	Rs. 40 a month
Master ..	„ 20 „
First Mate ...	„ 10 „
Second Mate & Volunteer	„ 4 „

Branch Pilot	Rupees 200	a month.
Master	„ 100	„
First Mate	„ 60	„
Second Mate and Volunteer ...	„ 30	„
FAMILIES.		
Widow of Branch Pilot	Rupees 100	a month.
Ditto „ Master	„ 50	„
Ditto „ First Mate	„ 30	„
Ditto „ Second Mate and Volunteer	„ 15	„
CHILDREN.		
Girls until 10 years of age ...	Rupees 14	a month.
After 10 years until married ...	„ 20	„
Boys until 15 years of age ...	„ 12	„

1. The widow of a pilot married to him after he became a pensioner, and the children of such marriages, are not entitled to the benefit of these rules.

Section 2 (*a.*)—Pilots are entitled to pension at the above rates on medical certificates by the Standing Invaliding Committee.

(*b.*)—A pilot after thirty years' actual service in India, if he shall have attained the grade of branch pilot, shall be entitled to retire upon the pension of Government Rupees 200 a month, or if below the grade, upon a pension of Government Rupees 100 a month, provided that in any period of three consecutive years the number of pensions so granted do not exceed four.

Section 3 —To entitle widows and orphans to the above pensions, pilots are to forward to the Master Attendant certificates of their marriage, of the birth of their children and of their baptism, within one month after the occurrence thereof. Notices of death are in like manner to be forwarded to the Master Attendant.

Section 4.—No widow who may have been legally divorced or separated from her husband for adultery, or who at the period of her husband's demise, may have quitted his protection and be living in a state of notorious adultery though not divorced or separated from him by law, or who, subsequently to her husband's decease, may be living in a notorious state of incontinence, nor any female orphan living in such state, shall be entitled to receive or continue to receive any pension under these rules.

Section 5.—If a widow pensioner marries, her pension is to cease during her coverture; but in the event of her again becoming a widow, she shall be re-admitted to the pension to which she was entitled during her first widowhood, unless her second husband shall have been a member of the pilot service, and have been at his death of a higher grade than her first husband, in which case she shall be entitled to the pension of the higher rank.

Section 6.—All pensioners under these rules are to make personal appearance at the Accountant General's Office on the first day of every alternate month, or to afford such other proof of their existence as the Accountant General may from time to time require.

Section 7.—Widows and female orphans above the age of fifteen years are required to forward to the Accountant General's Office declarations half-yearly, in May and November, that they are not married, and that they have not been married at any intervening period. The declarations are to be countersigned by the executor to the estate of the deceased member of the pilot service, or pensioner, or by the guardian of an orphan, and by a member of the pilot service, certifying to the truth of the declaration to the best of their knowledge and belief. Forms of the declaration will be furnished on application at the Office of the Accountant General.

Section 8.—Contributions to the pension fund by members of the pilot service who joined the service on or before the 1st July 1835, and pensions to them and to their families, will continue to be paid in Sicca Rupees. All other contributions, allowances, and pensions, will be paid in Government Rupees.

1. If pensions payable in Sicca Rupees are paid at the Home Treasury of the Government of India, payment is made at 1*s.* 11*d* for each Government Rupee, Government Rs. 104½ being taken as equivalent to Sicca Rs. 100.

R. B. CHAPMAN,
Secretary to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

POLITICAL.

Fort William, the 6th January 1872.

No. 39*P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Frederick Dickmann as Vice-Consul for Sweden and Norway at Bassein.

No. 42*P.*—His Excellency the Viceroy and Governor General in Council has been pleased to confer the title of "Rao Bahadoor" as a personal distinction upon Mr. Bechurdoss Ambaee-doss of Ahmedabad, in the Bombay Presidency, in recognition of the public spirit and philanthropy displayed by that gentleman in ameliorating the condition of the females of his caste, whereby the crime of infanticide amongst them has been considerably lessened.

C. U. AITCHISON,
Secretary to the Govt. of India.

The 11*th January* 1872.

No. 100*P.*—The following papers in regard to the changes in the Austro-Hungarian Consular Offices in India are published for general information :—

POLITICAL. INDIA OFFICE;
No. 148. *London, 6th December* 1871.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—I transmit herewith, for the information of your Excellency's Government, and for communication to the local authorities, copy of a correspondence* with the Foreign Office on the subject of certain changes in the Austro-Hungarian Consular Service in India and Ceylon.

* From Foreign Office, dated 16th November 1871, with enclosure.
To ditto ditto, dated 30th ditto.

I have, &c.,
(Sd.) ARGYLL.

FOREIGN OFFICE,
The 16*th November* 1871.

To the Under Secretary of State, India Office.

SIR,—I am directed by Earl Granville to transmit to you, to be laid before His Grace the Duke of Argyll, copy of a Note* from the Austro-Hungarian Ambassador, giving notice of certain changes in the Austro-Hungarian Consular Service in India and Ceylon.

* 11th November.

I am, &c.,
(Sd.) E. HAMMOND.

BELGRAVE SQUARE,
le 11*th Novembre* 1871.

M. LE COMTE,—D'ordre de mon Gouvernment, J'ai l'honneur d'informer V. E. que, sur la proposition du Ministre Impl. et Rl. des Affaires Etrangères, Sa Majesté Imple. et Rle. Apostolique vient de sanctionner la transformation du Consulat Impl. et Rl. d'Autriche-Hongrie á Bombay en un Consulat Général. M. Jean Brandenburg, auquel a été confiée, ainsi que V. E. sait, par un Office du Wolkenstein, en date du 9 Octobre, la direction interimaire du Consulat de Bombay, continuera à gérer, á titre provisoire, les affaires du nouveau Consulat-General.

Sa Majesté l'Empéreur et Roi a également ordonné que des fonctionnaires Consulaires d'Autriche-Hongrie á Calcutta et á Colombo (Ceylon) prennent le titre de Consuls et que le Consulat Impl. et Rl. á Point de Galle (Ceylon) soit converti en une Agence Consulaire qui dépendra du Consulat de Colombo. L'Empéreur a, de plus, sanctionné la création d'un Vicé-Consulat á Aden, dont le titulaire sera nommé incessamment.

Le Consul Général á Bombay sera chargé en même temps de la surveillance générale des Consulaires Autriches de Calcutta, Colombo, Madras, Point de Galle et Aden.

En ayant l'honneur de porter á la connaissance de V. E. des mutations precitées, je vous prie de vouloir bien en faire part aux autorités Britanniques Compétentes, et je profite avec empressement de la présente occasion pour vous renouveler les assurances, &c., &c.

(Sgc.) APPONYI.

INDIA OFFICE,
The 30th November 1871.

To the Under Secretary of State for Foreign Affairs.

SIR,—I am directed by the Duke of Argyll to acknowledge the receipt of your letter of the 16th instant, with enclosure, reporting the conversion of the Austro-Hungarian Consulate at Bombay into a Consul-Generalship, and the nomination of M. Jean Brandenburg, the Acting Consul at that City, to be Acting Consul-General there, and also notifying the bestowal of the title of Consul upon the Austro-Hungarian Consular Officer at Calcutta, which post, together with the Consulates at Madras, Colombo, and Point de Galle, and the newly-constituted Vice-Consulate at Aden, have been placed under the supervision of the Consul-General at Bombay.

The Government of India will be informed of these changes, so far as they relate to British India, and I presume that you will take the necessary steps to report to the Colonial Office those connected with the Island of Ceylon.

I am, &c.,
(Sd.) HERMAN MERIVALE.

GENERAL.

The 11th January 1872.

No. 74*G*.—On the afternoon of the 9th December 1871, Captain P. W. Powlett received charge from Captain C. W. Burton of the Office of Assistant to the Agent Governor General for the Suppression of Dacoity, on the triple border of Jeypoor, Marwar, and Bikaneer.

The 12th January 1872.

No. 76*G*.—The services of Major C. James, Madras Staff Corps, late 2nd Squadron Officer of the 2nd Regiment, Central India Horse, are placed at the disposal of the Home Department.

H. LEPOER WYNNE,
for *Secretary to the Govt. of India.*

MILITARY DEPARTMENT.

Fort William, the 5th January 1872.

No. 12 *of* 1872.—The under-mentioned short-service men of the 26th (Punjab) Regiment of Native Infantry, declared unfit for further service by a special Invaliding Committee, are transferred to the Pension Establishment on special grounds, with effect from the date of their being struck off the strength of the corps :—

RANK.	NAMES.	IN WHAT RANK PENSIONED.	CIRCLE OF PAYMENT.
Sepoy ...	Chuttur Sing	Sepoy ...	Trans-Ravee.
	Dewah Sing		Ditto.
	Mehtab Sing		Sirhind.
	Koondun		Ditto.
	Chaitoo		Ditto.
	Kishun Sing		Ditto.
	Hurree Sing		Ditto.
	Nund Sing		Ditto.
	Peara		Ditto.
	Churtoo		Ditto.
	Khooshial Sing		Ditto.
	Hakim Sing		Trans-Ravee.
	Boor Sing		Ditto.
	Morah		Ditto.
	Jewun Sing		Sirhind.
	Boodha Sing		Ditto.
	Praga		Ditto.
	Kaloo		Trans-Ravee.
	Budderdeen		Ditto.
	Doorga		Sirhind.

No. 13 *of* 1872.—Agreeably to G. G. O. No. 181 of 12th December 1833, the under-mentioned heirs are admitted to the Native Family Pension Establishment from the date specified opposite to their names, and the Pay Master of Pensioners, in whose Circles the individuals reside, will furnish the prescribed Rolls to the Department of Audit and to the parties concerned :—

Name of Claimant.	Age.		Height.		Caste.	Personal appearance and particular marks.	Village and District.	Nature of relationship to the deceased.	Description of the deceased relation on whose account claims are made.			Date of admission.	Date of Committee's Proceedings.	Amount of Pension.	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps.					
Chundo ...	36	...	5	...	Sunejhera, Seikh	Complexion middling, nose long, thin face; a mole under left eye, and a mole or black wart on the upper lip to the right side.	Duddnoor, Lutwuddee, Nabha.	Widow ..	Kaun Singh ...	Havildar	14th (The Ferozepore) Regiment, Native Infantry.	Nov. 18, 1863	Mar. 2, 1864	4 8 0	For life ..	Sirhind.
Dhurmoo* ..	35	...	5	...	Sidhoo, Seikhnee	Complexion fairish ...	Moossah, Bhikhee, Puttialla.	Ditto ...	Suddah Singh	Sepoy ...	Ditto ...	Nov. 18, 1863	May 9, 1870	2 12 0	Ditto ...	Ditto.
Syne Ditta* ...	65	...	5	8	Khebul, Seikh ..	Complexion dark; lost the use of both legs.	Dhunnowla, Dhunnowla, Nabha.	Father...	Johaier Singh	Ditto ...	Ditto ...	Nov. 18, 1863	May 9, 1870	2 12 0	Ditto ...	Ditto.
Jey Singh ...	70	...	5	2½	Gill, Seikh .	Complexion middling, scum over both eyes, scar of boil on the right side of ribs.	Paind, Dirbah, Puttialla.	Ditto .	Dyal Singh ...	Ditto ...	Ditto ..	Dec. 7, 1863	July 25, 1864	2 12 0	Ditto ...	Ditto.

* Arrears of pension restricted to two years antecedent to the date of Committees Proceedings.

The 6th January 1872.

No. 14 *of* 1872.—His Excellency the Governor General in Council is pleased to appoint Lieutenant Colonel J. W. Rideout, Military Accountant, Madras, to officiate as Controller of Military Accounts at that Presidency, as a temporary arrangement, on the departure on furlough to Europe of Lieutenant Colonel Gillilan, or until further orders.

No. 15 *of* 1872.—The following orders issued by the Government of Bombay are confirmed :—

Granting furlough to Europe on medical certificate to the under-mentioned Officers :—

No. 829, *dated 6th December* 1871.—Lieutenant Henry H. Murphy, of the Royal Engineers, Assistant Engineer, Department of Public Works, North-Western Provinces,—for two years, under the Regulations of 1868.

No. 709, *dated 25th October* 1871, *and No.* 850, *dated 16th December* 1871.—Captain George Atkins, of the Bengal Staff Corps,—for two years, under the Regulations of 1868.

No. 861, *dated 20th December* 1871.—Surgeon Major Stewart Clark, of the Medical Department,—for twenty months, under the Regulations of 1854.

No. 16 *of* 1872.—In modification of G. G. O. No. 894 of 1862, and under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that Officers of the late Indian Artillery, Engineers, and as well as Officers of the Indian Army transferred to the new Line Regiments, Cavalry and Infantry, will be allowed to count as service towards retirement, under the Indian Pension Rules, the whole period of their residence at the Staff College, Sandhurst, in the same manner as Officers of the British Army, provided they pass a successful examination.

No. 17 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Quarter Master General's Department.

Lieutenant Colonel F. S. Roberts, V.C., 1st Assistant Quarter Master General, to be Deputy Quarter Master General, *vice* Lieutenant Colonel Gurden, who vacates the appointment on proceeding on furlough to Europe under the operation of Rule XIV of the Furlough Regulations of 1868.

Captain C. J. East, Assistant Quarter Master General, to be 1st Assistant Quarter Master General, *vice* Lieutenant Colonel Roberts, V.C.

Captain M. H. Heathcote, Deputy Assistant Quarter Master General, to be an Assistant Quarter Master General, *vice* Captain East.

Captain H. Collett, Officiating Deputy Assistant Quarter Master General, to be a Deputy Assistant Quarter Master General on the Establishment, *vice* Captain Heathcote.

Captain J. Creagh, Deputy Assistant Quarter Master General, to officiate as Assistant Quarter Master General, during the absence on furlough to Europe of Lieutenant Colonel M. Hunter, or until further orders.

The 9th January 1872.

No. 18 *of* 1872.—The under-mentioned Native Medical pupils admitted into the service in G. G. O. No. 389, dated 27th April 1871, are dismissed the service :—

Futty Singh (No. 40), Hafizoollah (No. 42), and Shumshere Khan (No. 154).

No. 19 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Captain A. Pullan, of the Bengal Staff Corps, Assistant Superintendent, Great Trigonometrical Survey of India,—date of arrival at Bombay, 9th December 1871.

Captains W. E. Chambers, of the Bengal Staff Corps, and G. B. P. Alcock, of the late 24th Regiment Native Infantry,—date of arrival at Fort William, 6th January 1872.

No. 20 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captains Andrew McCrae Bruce, of the General List Infantry, and Thomas Fraser Bruce, of the Bengal Staff Corps,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 21 *of* 1872.—The under-mentioned Native Medical pupils, who were admitted into the service in G. G. O. No. 389, dated 27th April 1871, are permitted at their own request to resign the service:—

Hurgolall (No. 85), and Bhowany Pershad (No. 174).

No. 22 *of* 1872.—The services of Ensign J. Clibborn, of the 62nd Foot, a candidate for the Bengal Staff Corps, are placed at the disposal of the Public Works Department.

The 10*th January* 1872.

No. 23 *of* 1872.—His Excellency the Governor General in Council is pleased to sanction the formation of a Volunteer Rifle Corps at Lucknow, to be designated the "Lucknow Volunteer Rifles," and to notify the following appointments:—

To be Honorary Colonel—

Sir George Couper, Bart., C.B.

To be Commandant—

Captain C. S. Noble, of the Bengal Staff Corps.

No. 24 *of* 1872.—The udermentioned Non-Commissioned Officers of the 24th Regiment Punjab Native Infantry; having been declared by a special Invaliding Committee to be unfit for further duty, are transferred to the Invalid Pension Establishment, from the date of their being struck off the strength of the Corps:—

RANK.	NAMES.	IN WHAT RANK PENSIONED.	CIRCLE OF PAYMENT
Havildar ...	Mahtab Sing	Havildar ...	Trans Ravee.
Ditto ...	Gundah Sing	Naick	Ditto.
Ditto ..	Ahmed Shah	Ditto	Ditto.
Naick ...	Dittah Khan	Ditto	Ditto.

No. 25 *of* 1872.—The following extract from the *London Gazette* of the 1st December 1871, pages 5435 and 5436, is published for general information:—

London Gazette 1*st December* 1871, *page* 5435.

INDIA OFFICE;
30*th November* 1871.

Her Majesty has been pleased to approve of the following promotions amongst the Officers of the Staff Corps, and Her Majesty's Indian Military Forces, made by the Governments in India:—

BREVET.—*To be Captains.*

Lieutenant Charles William Burton, Bengal Staff Corps,—dated 29th July 1871.

Major Robert Caulfeld, Madras Cavalry, to be Lieutenant-Colonel, Captain John Sexton, Bombay Staff Corps, to be Major, in succession to Lieutenant General Charles Wahab, Madras Infantry, deceased,—dated 20th May 1871.

SUBSTANTIVE PROMOTIONS.

BENGAL STAFF CORPS,—*To be Lieutenant-Colonels.*

Major George Leith Fraser,—dated 4th July 1871.
Major William James Pratt Barlow,—dated 22nd July 1871.
Major Charles Armstrong,—dated 22nd July 1871.
Major Jonathan Keer,—dated 26th July 1871.

To be Majors.

Captain George Cardigan Thomson,—dated 19th July 1871.
Captain Thomas Denneby,—dated 20th July 1871.

To be Captains.

Lieutenant Colin Hubert Garbett,—dated 27th June 1871.
Lieutenant John Hugh Green,—dated 1st July 1871.

London Gazette of the 1*st December* 1871, *page* 5436.

Lieutenant John Barnes Sparks,—dated 5th August 1871.
Lieutenant Henry de Parny Remrick,—dated 5th August 1871

BENGAL ARMY.—*Infantry.*

Major Patrick Wheeler to be Lieutenant-Colonel,—dated 18th July 1871.

Late 13th Native Infantry.

Captain John George Campbell, to be Major,—dated 18th July 1871.

GENERAL LIST OF INFANTRY OFFICERS,—*To be Captains.*

Lieutenant Honorable George Campbell Napier,—dated 2nd May 1871.
Lieutenant William Hope Meiklejohn,—dated 29th June 1871.
Lieutenant Walter Jones,—dated 18th July 1871.
Lieutenant Alexander Jeffrey Nicholson,—dated 18th July 1871.
Lieutenant Archibald Cuthbert Bigg Wither,—dated 18th July 1871.
Lieutenant Henry John Lawrence,—dated 18th July 1871.
Lieutenant William Loch,—dated 18th July 1871.
Lieutenant Binfield Wemyss,—dated 18th July 1871.
Lieutenant Honorable Robert William Napier,—dated 18th July 1871.
Lieutenant Frederick Mills Mallet Harris,—dated 18th July 1871.
Lieutenant Allan Scott Roberts,—dated 18th July 1871.

ALTERATION OF RANK.

Captain Henry Charles Kemble, late 3rd European Cavalry, will take rank from 25th July 1870.

MEDICAL OFFICERS,—*To be Surgeons-Major.*

Surgeon Edward Mc'Kellar. M. D.,—dated 9th July 1871.
Surgeon Annesley Charles Castriot DeRonzy,—dated 29th July 1871.

To be Surgeons.

Assistant Surgeon Charles Cameron,—dated 27th July 1871.
Assistant Surgeon John Richardson, M. B.,—dated 27th July 1871.
Assistant Surgeon Arthur Parker Holmes, M. D.,—dated 27th July 1871.
Assistant Surgeon Robert Grey, M. B.,—dated 27th July 1871.
Assistant Surgeon John MacNaghten Fleming, M. D.,—dated 27th July 1871.
Assistant Surgeon Charles Frederick Oldham,—dated 27th July 1871.
Assistant Surgeon Edward Ambrose Fitzgerald,—dated 27th July 1871.
Assistant Surgeon George Henderson, M. D.,—dated 27th July 1871.
Assistant Surgeon John Reid,—dated 27th July 1871.
Assistant Surgeon Peter Cullen, M. D.,—dated 27th July 1871.
Assistant Surgeon James Richard Johnson,—dated 27th July 1871.
Assistant Surgeon Isaac Newton,—dated 27th July 1871.

The 10th January 1872.

No. 26 *of* 1872.—The undermentioned Non-Commissioned Officers of the 28th Punjab Native Infantry having been declared unfit for further duty, are transferred to the Invalid Pension Establishment with effect from the date they may be struck off the strength of the Corps :—

RANK	NAMES.	IN WHAT RANK PENSIONED.	CIRCLE OF PAYMENT
Havildar	Dull Singh	Havildar ...	Sirhind.
Ditto	Waris Khan	Ditto	Ditto
Ditto	Uttur Singh	Naick	Ditto.

The 11th January 1872.

No. 27 *of* 1872.—The undermentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Lieutenant-Colonel (Brevet Colonel), William Wilberforce Harris Greathed, C. B., of the Royal Engineers, Chief Engineer Irrigation Works, and Joint Secretary to Government Department Public Works, North-Western Provinces,—for one year under the Regulations of 1868, embarking at Bombay.

Captain (Brevet Major), Frederick Macdonald Birch, of the Bengal Staff Corps, 1st Class Assistant Commissioner Punjab,—for two years under the Regulations of 1868, embarking at Bombay.

Captain Alfred FitzHugh, of the Bengal Staff Corps, Wing Officer 4th Sikh Infantry, Punjab Frontier Force,—for two years under the Regulations of 1868, embarking at Bombay.

No. 28 *of* 1872.—His Excellency the Governor General in Council is pleased to notify, under instructions from the Right Hon'ble the Secretary of State for India, that enlisted Band Masters of British Regiments provided with passage in Her Majesty's Indian Troop ships, are entitled to the accommodation and victualling of a Staff Sergeant only; and that all private or Civilian Band Masters, if allowed a passage on such vessels, will be required to pay the full cost of whatever is supplied them.

No. 29 *of* 1872.—The services of Captain M. Ramsay, of the Bengal Staff Corps, are placed at the disposal of the Home Department.

The 12*th January* 1872.

No. 30 *of* 1872.—With reference to General Order by the Commander-in-Chief of the 13th November 1871, notifying an exchange of services between Lieutenant Clayton, Royal Engineers, and Lieutenant Nicholson, Royal Engineers (Imperial Establishment), the under-mentioned officer has reported his arrival :—

Lieutenant W. G. Nicholson, of the Royal Engineers, Imperial Establishment,—date of arrival at Bombay 16th December 1871.

No. 31 *of* 1872.—The following promotion is made from the date specified, under the operation of G. G. O., No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.—*To be Colonel.*

Lieutenant-Colonel Henry Richard Connell Moyle, Bombay Infantry,—10th January 1872.

No. 32 *of* 1872.—The under-mentioned officers of the Staff Corps having completed five years' service as substantive Lieutenant-Colonel, are promoted to the rank of Colonel by Brevet, from the dates specified, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval :—

Lieutenants-Colonel Archibald Hugh Hope, Madras Staff Corps, and Richard Godfrey Jones, Madras Staff Corps,—2nd January 1872.

Lieutenant-Colonel Leonard Raisbeek Christopher, Bengal Staff Corps,—4th January 1872.

Lieutenant-Colonel John Thomas Francis, Bombay Staff Corps,—12th January 1872.

No. 33 *of* 1872.—The under-mentioned officer of the Bengal Staff Corps, having completed 26 years' service, is promoted to the rank of Lieutenant-Colonel, from the date specified, under the provisions of G. G. O., No. 808, of the 26th September 1866, subject to Her Majesty's approval :—

Major William Harington Hawes,—7th January 1872.

No. 34 *of* 1872.—The under-mentioned officer of the Bengal Staff Corps, having completed 12 years' service, is promoted to the rank of Captain, from the date specified, under the provisions of G. G. O., No. 808, of the 26th September 1866, subject to Her Majesty's approval :—

Lieutenant Henry Bathurst Hanna,—4th January 1872.

No. 35 *of* 1872.—The under-mentioned officers have reported their return from England.

Lieutenant-Colonel G. Ward, of Cavalry, date of arrival at Bombay 12th November 1871.

Second Captain T. T. Carter, of the Royal Engineers, Deputy Superintendent, Great Trigonometrical Survey of India, and Surgeon Major F. Pearson, of the Medical Department, Superintendent General of Vaccination, Rohilcund Division, North-Western Provinces, date of arrival at Bombay 16th December 1871.

Lieutenant-Colonel R. B. Hill, of Infantry, and Captain C. L. Woodruffe, of the Bengal Staff Corps, date of arrival at Bombay 21st December 1871.

Lieutenant-Colonel (Brevet Colonel), W. Q. Pogson, of Infantry, 2nd in Command and Wing Officer, 6th Regiment of Native Light Infantry, Lieutenant J. B. B. Dickson, of the General List Cavalry, 1st Squadron Subaltern, 18th Bengal Cavalry, and Lieutenant L. F. Boileau, of the Royal Engineers, Executive Engineer, Department Public Works, Rajpootana, date of arrival at Bombay, 24th December 1871.

No. 36 *of* 1872.—The following promotion is made subject to Her Majesty's approval :—

Brevet.

Rank and Name.	To what rank promoted.	From what date.	In succession to
Captain (now Major in Madras Staff Corps) Nowell Swanston.	Major ...	Oct. 25, 1871.	Major J. F. Robertson, Bombay Staff Corps, promoted.

The promotion of Captain J. M. Williams, Madras Infantry, to the rank of Major by Brevet, announced in G. G. O., No. 1044, of the 28th November 1871, is hereby cancelled.

No. 37 *of* 1872.—The services of Assistant Surgeon J. G. Pilcher, Superintendent of the Agra Central Prison, are, at his own request, replaced at the disposal of His Excellency the Commander-in-Chief.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 6th January 1872.

No. 14.—Statement of the Monthly Accounts received in the Office of the Accountant General, Public Works Department, up to the 31st December 1871 :—

Order of Merit	Accounting Offices	Last Month for which received.	Date of Receipts.
1	Controller Mysore for Coorg ..	Nov. 1871 ...	27th Dec. 1871.
2	Do. Central Provinces	" ...	30th " "
3	Do. Hyderabad	Oct. 1871	4th " "
4	Do. Mysore	" ..	11th " "
5	Do. Hyderabad for the Berars	" ...	19th " "
6	Do. Madras	" ...	21st " "
7	Do. Rajpootana	" ...	21st " "
8	Do. Bombay	" ...	26th " "
9	Do. North-Western Provinces	" ...	26th " "
10	Do. British Burmah	" ...	26th " "
11	Do. Oudh	" ...	26th " "
12	Do. Central India	" ...	26th " "
13	Do. Port Blair	" ...	26th " "
14	Do. Punjab	"	27th " "
15	Do. Bengal	" ...	29th " "

No. 15.—Serjeant R. Carson, Overseer 1st grade, Central Provinces, is remanded to military duty.

No. 17.—Lieutenant G. H. L. Pole, R. E., Executive Engineer 3rd grade, Mysore, was granted leave on medical certificate (under para. 1 of G. G. O., Military Department, No. 613, of the 14th July 1871), from the 5th to the 29th October 1871 inclusive.

The 10*th January* 1872.

No. 18.—Mr. C. Campbell, C. E., assumed charge of his office of Engineer-in-Chief, Indus Valley (State) Railway, on the afternoon of the 22nd December 1871.

No. 19.—Mr. T. Allen, Assistant Engineer, 2nd Grade, attached to the Indore (State) Railway, is granted twelve months' leave on medical certificate; also fourteen days' preparatory leave from such date as he may avail himself of it.

No. 20.—Mr. W. Varden is appointed to the Public Works Department as Store-keeper, 2nd Grade, and posted to the Indus Valley (State) Railway.

No. 21.—Mr. H. M. Mathews, Executive Engineer, 4th Grade, British Burmah, is promoted to the 3rd Grade, with effect from the 1st September 1871.

No. 22.—The following is published in supersession of Rule XIII of Public Works Department Notification No. 341 of 7th October 1870, regarding the salaries of Officers of the Engineer Establishment :—

XIII.—Military Officers other than Royal Engineers now in the Department, who entered the British or Indian Army before 1859, to have the option of remaining on their present conditions as to staff and maximum salaries, or of accepting the new scale of salaries; the declaration of choice to be made at once. Officers who entered the Army in 1859 and subsequently to be placed on the consolidated scale.

The 11th January 1872.

No. 23.—Mr. G. J. R. Leeson is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, on probation, and posted to Bengal in the Irrigation Branch.

No. 24.—Mr. E. D. Sinclair is re-appointed to the Public Works Department as Accountant, 3rd Grade, on probation, and posted to the Office of the Auditor of the Oudh and Rohilkund Railway Accounts.

The 12th January 1872.

No. 25.—Mr. T. W. Scott, Assistant Engineer, 2nd Grade, Punjab Northern (State) Railway, is transferred to the Account Establishment of the Public Works Department, with the rank of Assistant Controller, 2nd Grade, and posted to the Punjab.

No. 26.—Mr. H. Gwyther, Executive Engineer, 4th Grade, is transferred from Central India to the North-Western Provinces, for employment in the Irrigation Branch.

No. 27.—Mr. T. Wood, Assistant Controller, 1st Grade, is appointed to officiate as Deputy Controller in Bengal, during the absence of Mr. W. A. Billings, or until further orders.

No. 28.—Mr. T. Anderson is appointed to the Public Works Department as a Store-keeper of the 2nd Grade, and posted to the Indore (State) Railway.

TELEGRAPH.

The 6th January 1872.

No. 16.—Captain W. H. Pierson, R. E., is appointed to officiate as Director of the Persian Telegraph, with effect from the 12th October 1871, during the absence on special duty in Beloochistan, of Captain O. B. St. John, R. E., or till further orders.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 13, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

REVENUE SURVEY DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 8th January 1872.

No. 25.—Captain Henry Stephen Hutchinson, Assistant Superintendent of Revenue Survey, 2nd Grade, now employed in the Bhundara District, having reported his return from furlough on the 1st instant, is posted to the 4th Division, Central Provinces.

The 10th January 1872.

No. 26.—The following promotions are made with effect from the 1st instant:—

Mr. George Henry Blyth, Revenue Surveyor, from 3rd to 2nd Grade.
Mr. James Todd, Revenue Surveyor, from 4th to 3rd Grade.
Mr. Charles David, Assistant Revenue Surveyor, 1st Grade, to be Revenue Surveyor, 4th Grade.

The following promotion is made with effect from the 5th instant:—

Mr. John Sidney Swiney, Assistant Revenue Surveyor, from 4th to 3rd Grade.

D. C. VANRENEN, *Colonel, R.A.,*
Supdt. of Revenue Surveys, Upper Circle

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.

List of Estates which have come under charge of the Administrator General of Bengal, during the months of October, November and December 1871 :—

Anderson, John, late a Tea Planter in the District of Cachar.
Barr, A., late a Fitter in the Service of the East Indian Railway Company.
Bell, Charles, late a Lieutenant in the Royal Artillery.
Blake, William, late Chief Engineer of the Steam Tug *Court Hey*.
Bruggen, Mrs. Emma Terher, late a widow, residing at No. 2, Huzzooreemull's-Tank Lane, in Calcutta.
Chadwick, James Thomas, late of Calcutta, a licensed Leadsman.
Connell, Owen, late of Mooltan, a Contractor.
Cornish, Charles, late a British subject, residing in Jersey.
Dubble, William, late an Inspector in the service of the East Indian Railway Company.
Goddard, William, late Steward of the United Service Cub at Simla.
Harris, Frederick Mills Malet, late a Captain in the General List of Infantry.
Kelly, G. L. A., late District Superintendent of Police at Loodiana.
Lawson, Charles, late of Howrah, a Hotel-keeper.
McDonald, John, late Superintendent of Messrs. Thacker, Spink & Co.'s Press, Calcutta.
Millard, William Stallard, late Superintendent of the Calcutta Docking Company.
Moodie, Afleck, late a Barrister-at-law, and Officiating 2nd Judge of the Small Cause Court, Calcutta.
Mossee, Phillip Augustus, late a Lieutenant-Colonel in Her Majesty's 1st Battalion, 6th Regiment of Foot.
Nelson, John Smith, late a Captain in Her Majesty's 38th Regiment of Foot.
Ormsley, James, late a Private in the 2nd Bengal Fusiliers.
Parry, George Edward, late a Lieutenant in Her Majesty's 37th Regiment of Foot.
Pearce, Alfred James, late Station Master, East Indian Railway at Buxar.
Peters, Mrs. A. M., late widow of Captain C. E. Peters, deceased.
Saunders, Robert Power, late a Captain in the Royal Horse Artillery.
Scott, Alexander, late a Conductor in the Ordnance Department.
Walker, John, late of No. 18 Kildare Terrace, Bayswater, Middlesex, formerly of the Indian Uncovenanted Civil Service, and Deputy Magistrate and Collector of Mirzapore.
Walsh, David John, late an Assistant Surgeon in the Bengal Medical Establishment.
Weld, George, late of Chunar, a Lieutenant-Colonel in the Bengal Staff Corps.
Wood, William Clayton, late an Assistant to Messrs. Ernsthausen and Oesterley, Merchants of Calcutta.

N. B.—All persons having claims upon, being indebted to, or holding property belonging to the above Estates, are requested to place themselves in immediate communication with the undersigned.

CALCUTTA;
4, STRAND,
The 6th January 1872.

L. P. D. BROUGHTON,
Administrator General.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department
	Rs.	Rs.	Rs.	Rs.	Rs.
January 1st, 1872 ...	Holiday.				
„ 2nd „ ...	...	2,25,584	13,03,175	3,07,319	63,08,487
„ 3rd „ ...	...	1,97,479	11,17,627	2,01,281	66,08,487
„ 4th „ ...	5,481	2,04,052	9,31,377	2,17,514	68,08,487
„ 5th „ ...	..	1,89,370	6,53,502	2,09,584	70,08,487
„ 6th „ ...	2,140	2,01,246	5,06,643	2,10,622	72,08,487

CALCUTTA MINT,
The 8th January 1872.

J. F. TENNANT, *Lieut. Colonel,*
Offg. Mint Master.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th December 1871.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54.	4 PER CENT LOAN							4½ PER CENT.				5 PER CENT.		5½ PER CENT.	DEBENTURES FOR			TOTAL AMOUNT.
		of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.	of 1856-57.	Transfer Loan dated 15th July 1870.	Loan dated 4th July 1871.	Transfer Loan of 1872.	P. W. of 1854-55.	Loan of 1856-57.	Loan of 1859-60.	5 years @ 5 per cent. Repayable June 1872.	10 years @ 5 per cent. Repayable June 1877.	15 years @ 5 per cent. Repayable June 1882.	
Balance of 15th December 1871 ...	53,100	20,374	2,347	19,98,615	40,59,700	1,49,51,400	1,22,56,700	1,33,86,400	14,500	33,36,200	8,75,000	1,21,47,300	...	2,42,42,600	4,14,43,400	22,82,000	33,14,000	36,50,000	13,80,33,636
Add—																			
Amount enfaced at Madras between 16th and 30th December 1871	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Bombay between 16th and 30th December 1871	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
								Amount	transfer	red to 4½	per cent.								
Amount enfaced at Calcutta between 16th and 30th December 1871	...	...	...	...	15,300	26,800	38,600	as per advi 12,000	ce from ...	Bank of 18,500	England	63,22,700 43,25,600	... ...	... ...	... 1,47,500	... ..	... ...	... ...	63,62,700 45,84,300
TOTAL ...	53,100	20,374	2,347	19,98,615	40,75,000	1,49,78,200	1,22,95,300	1,33,98,400	14,500	33,54,700	8,75,000	2,28,35,600	...	2,42,42,600	4,15,90,900	22,82,000	33,14,000	36,50,000	14,89,80,636
Deduct—																			
Amount written off in the London Registers	...	...	...	...	57,400	35,100	1,55,300	1,10,600	...	...	...	35,37,800	...	92,92,100	2,49,100	...	3,000	...	1,34,40,400
Balance on 30th December 1871 ...	53,100	20,374	2,347	19,98,615	40,17,600	1,49,43,100	1,21,40,000	1,32,87,800	14,500	33,54,700	8,75,000	1,92,97,800	...	1,49,50,500	4,13,41,800	22,82,000	33,11,000	36,50,000	13,55,40,236

NOTE.—From 9th June 1867 to 31st Oct. 1871 enfaced from India 1,221 lakhs; re-transferred from London 1,009 lakhs.
" 1st Nov. 1871 to 15th Nov. " " " 9 " " " 16 "
" 16th " " to 30th " " " " 3 " " " 23 "
" 1st Dec. " to 15th Dec " " " 10 " " " 140 "
" 16th " " to 30th " " " " 45 " " " 70 "

1,288 1,258
1,258

Balance against India ... 30

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 5th Jan. 1872.

GEO. DICKSON,
Secretary and Treasurer.

Statement of Transactions of District Savings Banks for the week ending 11th January 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	65	5,376 6 0	17	2,757 8 6	22 5 4	1,67,700 5 0
N. W. Provinces ...	12	11	2,062 13 1	6	1,721 0 10	4 3 11	63,474 14 9
Punjab	9	7	855 0 0	1	698 12 7	15 13 9	38,131 10 11
Oude	3	5	900 0 0	2	550 0 0	7 9 0	20,484 5 11
Central Provinces ...	4	...	...	...	...	...	35,272 7 6
British Burmah ...	5	1	300 0 0	1	80 11 0	3 4 0	8,219 3 11
Berar	2	3	135 0 0	...	...	...	7,808 7 1
India	3	23	2,237 14 0	5	435 0 0	...	16,217 15 9
TOTAL ...	83	115	11,867 1 1	32	6,243 0 11	53 4 0	3,57,339 6 10

CALCUTTA,
The 11th January 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 6th January 1872.

The opening of the tunnel through Mount Cenis having shortened the journey between Brindisi and Calais, the mails passing between India and the United Kingdom, will in future be sent through France instead of by Germany, and will thus travel *viâ* Brindisi, Mount Cenis, and Calais.

2. The postage of letters, book packets, and patterns will remain unaltered, but a liberal concession granted by the French Government on the French transit rate of newspapers destined for transit through France, will result in the reduction from four pence (or two annas eight pies), to three pence (or two annas), on a newspaper not exceeding four ounces in weight. Thus the new rate on newspapers passing between this country and the United Kingdom will be the same as it was formerly when the mails were forwarded *viâ* Marseilles.

3. Similarly the rate on newspapers, sent *viâ* Brindisi and France *through the United Kingdom,* will be reduced by one penny, or eight pies.

4. Immediate effect is to be given to this reduction.

5. In future no mail for the United Kingdom will travel through Germany, but the whole Brindisi mail for the United Kingdom will be sent through France.

The 8th January 1872.

British Columbia having become a part of the Dominion of Canada, all correspondence for that Province (including that for Vancouver's Island), will henceforth be chargeable with the same rates of postage, and will be subject to the same regulations of transmission, as correspondence for other parts of Canada.

F. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

The 12th January 1872.

No. 205.—Mails for the Straits and Hong-Kong, for transmission per Steamers *Hindostan* and *Glenartney*, will be closed in this Office on Tuesday, the 16th January, at 6 P. M.

No. 206.—Mails for Madras and Ceylon, for transmission per Peninsular and Oriental Company's Steamer *Surat*, will be closed in this Office on Thursday, the 18th January 1872, at 6 P. M.:—

No. 207.—Owing to a change in the dates of departure of the Peninsular and Oriental Company's Steamer from Calcutta, Mails for China, Japan, Straits, Galle and the Australian Colonies, will be closed at this Office on Sunday, the 14th instant, at 6 A. M., *viâ* Bombay.

No. 208.—Mails for Chittagong and Akyab, for transmission per Steamer *Penang*, will be closed at this Office on Wednesday, the 17th January, at 6 P. M.

No. 209.—Mails for Rangoon and Moulmein, for transmission per Steamer *Mahratta*, will be closed at this Office on Wednesday, the 17th January, at 6 P. M.

The 8th January 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 6th January 1872.

Arathoon, L. J.

Beletty, N.
Beale, Mrs. S.
Bell, R. C.
Brady, C.
Baggot, M. O. L.
Braham, F. E.
Briggs, Lieut.-Col.
Bushell, Pro. L.
Brown, E.
Blundell, H. W.
Beverley, Mrs. W. G.
Bell, W. E.

Carlisle, Capt. J. F.
Chisholm, J. W.
Cunningham, Genl. A.

Dunsford, R. C.
Donaldson, T. C.
DeSouza, A. S.
Dyer, Mrs. W. A.
D'Souza, A.
DuBordread, C.

Emelia.
Empson, Mrs. E.

Frizzle, Mrs. J.
Forbes, T. T.

Fraser, A. A. H.
Fox, A.

Gomes, Mrs. M.
Gomes, S. A.
Gocool Chand and Sookdev Dass and Co.
Gregory, J. M.

Holroyd, W.
Hodge, Capt. T. H.

Issur Chunder Condoo, and Chunder Coomar Condoo.

Jordon, V.
Johans, Miss. E.
Jones, J. V.
Jardine, W.
Johnston, Mrs. M.

Keefer, Dr. W. N.
Keating, Colonel.

Lawson, R.
Lynch, J.
Lloyd and Co.
Leslie, Mrs.
Landeshut, S. W.

Mendes, Mrs. J.
March, M. and Co.
Mackenzie, D.
Muir, J. F.
McNamara, J. E.

Newbery, Capt. E.

Pereira, B.

Smith, Mrs. R.
Smith, S. A.
Smith, W. F.
Sutherland, Mrs.
Stoney, E.
Slater, F. T.
Snell, Miss.
Stoney, E. W.

Templeton, Gunner R.
The Manager Upper India Commercial Association.
Thomson, Mrs. B.
Turns, W.
Tobin, T. G. W.

Wilkinson, Mrs.
Williams, E. J.
Watson, J. and Co.
Wodehouse, Sir P.
Wilson, Miss. E.

W. H. McGOWAN,

Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 13, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted for the Office of the Chief Engineer, Punjab Northern State Railway, Lahore, a thoroughly qualified European Draftsman. He must be experienced in the details of Locomotive and Machine Construction, as also in Bridge and Iron Work generally. No one need apply who cannot give unexceptionable evidence of character and of fitness for the appointment. A liberal salary is given.

LAHORE,
The 28th November 1871.

A. GRANT, *Offg. Chief Engr.,*
Punjab Northern State Railway.

High Court (Civil) No. 30.

In the Court of the Judge of Bhaugulpore.

NOTICE.

UNDER SECTION 250, INDIAN SUCCESSION ACT, 1865.

No. 563 of 1871.

In the matter of the Estate of John Fitzpatrick, Esq., deceased. } Whereas an application under the Indian Succession Act, 1865, for Probate of the Will and Codicil, dated, respectively, the 27th day of September 1870 and 12th day of September 1871, of John Fitzpatrick, Esq., deceased, late of Bhaugulpore, has been made by Walter Beatson Pemberton, Esq., of Tirhoot, and whereas Monday, the 22nd January 1872, has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the Estate of the said deceased, may, if he desire, appear in this Court on the said 22nd day of January 1872 and show cause why the application of the aid W. B. Pemberton should not be granted.

Given under my hand and seal of this Court.

H. R. MADOCKS,
Judge.

DISTRICT COURT,
BHAUGULPORE;
The 23rd December 1871.

Public Notice.

1.—A Sale of Public Auction of all the Government Timber, lying at the Forest Depôt, Byram Ghat, specified in list below, will be held on Wednesday, the 24th January 1872, to commence at 7 o'clock in the morning.

2.—A Deposit of Rs. 10 per cent. of the price will have to be paid at the time of Sale, and the remainder within one month of the day of Sale, failing which the deposit money will be forfeited and the lot resold.

3.—Delivery of the Timber will not be given until payment in full has been made. The Timber will be at the risk of the Purchaser from the moment it is sold.

4.—Timber must be removed within a month from the date of Sale, failing which ground rent will be charged at the rate of 4 annas per log per mensem.

List of the lots to be sold at Byram Ghat Depôt, on Wednesday, the 24th of January 1872.

No. of Lots.	No. of Logs.	Cubical Contents.	No. of Lots.	No. of Logs.	Cubical Contents.	No. of Lots.	No. of Logs.	Cubical Contents.	No. of Lots.	No. of Logs.	Cubical Contents.
1	10	399′ 7″ 11‴	26	10	442′ 5″ 8‴	51	10	296′ 11″ 4‴	76	10	481′ 5″ 5‴
2	10	493 10 3	27	10	466 8 3	52	10	302 0 10	77	10	497 9 10
3	10	389 0 2	28	10	447 7 6	53	10	318 8 7	78	10	356 2 6
4	10	434 8 6	29	10	492 11 0	54	10	403 6 5	79	10	370 4 2
5	10	389 3 11	30	10	478 4 0	55	10	368 2 9	80	10	354 8 11
6	10	416 6 11	31	10	422 5 10	56	10	471 0 1	81	10	377 8 11
7	10	372 2 8	32	10	382 1 10	57	10	369 4 7	82	10	426 11 2
8	10	373 3 11	33	10	458 5 1	58	10	389 4 11	83	10	457 3 4
9	10	420 6 11	34	10	375 0 3	59	10	418 1 3	84	10	298 7 11
10	10	409 10 10	35	10	391 4 7	60	10	605 6 0	85	10	353 8 11
11	10	454 4 11	36	10	362 5 7	61	10	511 10 4	86	10	347 4 11
12	10	424 9 5	37	10	319 4 7	62	10	436 2 8	87	10	373 3 2
13	10	440 9 11	38	10	386 9 8	63	10	503 11 1	88	10	352 3 10
14	10	399 4 6	39	10	365 7 3	64	10	407 7 8	89	10	334 10 6
15	10	398 0 2	40	10	314 1 8	65	10	382 10 0	90	10	324 5 10
16	10	385 9 8	41	10	336 10 8	66	10	530 8 9	91	10	363 2 2
17	10	416 8 1	42	10	338 0 0	67	10	683 6 7	92	10	401 8 3
18	10	374 7 8	43	10	458 7 10	68	10	375 3 4	93	10	362 7 11
19	10	338 10 6	44	10	273 2 9	69	10	417 2 8	94	10	451 9 10
20	10	371 2 3	45	10	332 10 10	70	10	499 3 8	95	10	392 0 6
21	10	464 5 8	46	10	404 5 4	71	10	485 9 5	96	10	350 5 3
22	10	393 10 1	47	10	301 1 2	72	10	395 11 10	97	10	336 3 9
23	10	442 10 0	48	10	325 8 4	73	10	475 7 9	98	10	378 5 2
24	10	406 4 3	49	10	408 5 5	74	10	475 4 7	99	10	450 7 7
25	10	340 2 1	50	10	364 9 10	75	10	401 3 3	100	5	197 10 10

— ۱ جملہ چوب سرکاري موجودہ بہرام گھاٹ متعلقہ محکمہ اودہ فارست مندرجہ فہرست ذیل بروز چہار شنبہ یعنے تاریخ ۲۴ ماہ جنوری سنہ ۱۸۷۲ع کو بذریعہ نیلام عام فروخت ہوگی اور نیلام ۷ بجے صبح سے شروع ہوگا *

— ۲ عشر فی صدی زر خرید بروقت فروخت کے اور باقی روپیہ تاریخ فروخت سے ایک ماہ کے اندر ادا کرنا ہوگا درصورت نہ ادا ہونے زر بقایا اندر میعاد کے زر پیشگي ضبط ہو جائیگا اور نیلام چوب دوبارہ عمل میں اویگا *

— ۳ اوٹھا لیجانے چوب مذکورہ بالا کا اختیار خریدار کو نہ دیا جاویگا تا وقتیکہ زر خرید تمام و کمال ادا نہ ہو جاوے اور وقت فروخت سے نفع و نقصان چوب مذکورہ کا ذمہ خریدار عاید ہوگا *

— ۴ یہہ لازم و پر ضرور ہوگا کہ کل چوب خرید کردہ کو تاریخ نیلام سے اندر ایک ماہ کے خریدار اوٹھا لیجاوے ورنہ محصول اراضي لٹھہ ۴ آنہ ماہواری لیاجاویگا *

فہرست چوب لٹھہ جو گودام بہرام گھاٹ پر بروز چہار شنبہ یعنے تاریخ ۲۴ ماہ جنوری سنہ ۱۸۷۲ع کو نیلام ہوگی

نمبر شمار	تعداد لٹھہ	تعداد فٹ مکسر			نمبر شمار	تعداد لٹھہ	تعداد فٹ مکسر			نمبر شمار	تعداد لٹھہ	تعداد فٹ مکسر			نمبر شمار	تعداد لٹھہ	تعداد فٹ مکسر		
		فٹ	انچ	انچان			فٹ	انچ	انچان			فٹ	انچ	انچان			فٹ	انچ	انچان
۱	۱۰	۳۹۹	۷	۱۱	۲۶	۱۰	۴۴۲	۵	۸	۵۱	۱۰	۲۹۶	۱۱	۴	۷۶	۱۰	۴۸۱	۵	۵
۲	۱۰	۴۹۳	۱۰	۳	۲۷	۱۰	۴۶۶	۸	۳	۵۲	۱۰	۳۰۲	۰	۱۰	۷۷	۱۰	۴۹۷	۹	۱۰
۳	۱۰	۳۸۹	۰	۲	۲۸	۱۰	۴۴۷	۷	۶	۵۳	۱۰	۳۱۸	۸	۷	۷۸	۱۰	۳۵۶	۲	۶
۴	۱۰	۴۳۴	۸	۶	۲۹	۱۰	۴۹۲	۱۱	۰	۵۴	۱۰	۴۰۳	۶	۵	۷۹	۱۰	۳۸۰	۴	۲
۵	۱۰	۳۸۹	۳	۱۱	۳۰	۱۰	۴۷۸	۴	۰	۵۵	۱۰	۳۶۸	۲	۹	۸۰	۱۰	۳۵۴	۸	۱۱
۶	۱۰	۴۱۶	۶	۱۱	۳۱	۱۰	۴۲۲	۵	۱۰	۵۶	۱۰	۴۷۱	۰	۱	۸۱	۱۰	۳۷۷	۸	۱۱
۷	۱۰	۳۷۲	۲	۸	۳۲	۱۰	۳۸۲	۱	۱۰	۵۷	۱۰	۳۶۹	۴	۷	۸۲	۱۰	۴۲۶	۱۱	۲
۸	۱۰	۳۷۳	۳	۱۱	۳۳	۱۰	۴۵۸	۵	۱	۵۸	۱۰	۳۸۹	۴	۱۱	۸۳	۱۰	۴۵۷	۳	۴
۹	۱۰	۴۲۰	۶	۱۱	۳۴	۱۰	۳۷۵	۰	۳	۵۹	۱۰	۴۱۸	۱	۳	۸۴	۱۰	۲۹۸	۷	۱۱
۱۰	۱۰	۴۰۹	۱۰	۱۰	۳۵	۱۰	۳۹۱	۴	۷	۶۰	۱۰	۶۰۵	۶	۰	۸۵	۱۰	۳۵۳	۸	۱۱
۱۱	۱۰	۴۵۴	۴	۱۱	۳۶	۱۰	۳۶۲	۵	۷	۶۱	۱۰	۵۱۱	۲۰	۴	۸۶	۱۰	۳۴۷	۴	۱۱
۱۲	۱۰	۴۲۴	۹	۵	۳۷	۱۰	۳۱۹	۴	۷	۶۲	۱۰	۴۳۶	۴	۸	۸۷	۱۰	۳۷۳	۳	۲
۱۳	۱۰	۴۴۰	۹	۱۱	۳۸	۱۰	۳۸۶	۹	۸	۶۳	۱۰	۵۰۳	۱۱	۱	۸۸	۱۰	۳۵۲	۳	۱۰
۱۴	۱۰	۳۹۹	۴	۶	۳۹	۱۰	۳۶۵	۷	۳	۶۴	۱۰	۴۰۷	۷	۸	۸۹	۱۰	۳۳۴	۱۰	۶
۱۵	۱۰	۳۹۸	۰	۲	۴۰	۱۰	۳۱۴	۱	۸	۶۵	۱۰	۳۸۲	۱۰	۰	۹۰	۱۰	۳۲۴	۵	۱۰
۱۶	۱۰	۳۸۵	۹	۸	۴۱	۱۰	۳۳۶	۱۰	۸	۶۶	۱۰	۵۳۰	۸	۹	۹۱	۱۰	۳۶۳	۲	۲
۱۷	۱۰	۴۱۶	۸	۱	۴۲	۱۰	۳۳۸	۰	۰	۶۷	۱۰	۶۸۳	۶	۷	۹۲	۱۰	۴۰۱	۸	۳
۱۸	۱۰	۳۷۴	۷	۸	۴۳	۱۰	۴۵۸	۷	۱۰	۶۸	۱۰	۳۷۵	۳	۴	۹۳	۱۰	۳۶۲	۷	۱۱
۱۹	۱۰	۳۳۸	۱۰	۶	۴۴	۱۰	۲۷۳	۲	۹	۶۹	۱۰	۴۱۷	۲	۸	۹۴	۱۰	۴۵۱	۸	۱۰
۲۰	۱۰	۳۷۱	۲	۳	۴۵	۱۰	۳۳۲	۱۰	۱۰	۷۰	۱۰	۴۹۹	۳	۸	۹۵	۱۰	۳۹۲	۰	۶
۲۱	۱۰	۴۶۴	۵	۸	۴۶	۱۰	۴۰۴	۵	۴	۷۱	۱۰	۴۸۵	۹	۵	۹۶	۱۰	۳۵۰	۵	۳
۲۲	۱۰	۳۹۳	۱۰	۱	۴۷	۱۰	۳۰۱	۱	۲	۷۲	۱۰	۳۹۵	۱۱	۱۰	۹۷	۱۰	۳۳۶	۳	۹
۲۳	۱۰	۳۴۲	۱۰	۰	۴۸	۱۰	۳۲۵	۸	۴	۷۳	۱۰	۴۷۵	۷	۹	۹۸	۱۰	۳۷۸	۵	۲
۲۴	۱۰	۴۰۶	۴	۳	۴۹	۱۰	۴۰۸	۵	۵	۷۴	۱۰	۴۷۵	۴	۷	۹۹	۱۰	۴۵۰	۷	۷
۲۵	۱۰	۳۴۰	۲	۱	۵۰	۱۰	۳۶۴	۹	۱۰	۷۵	۱۰	۴۰۱	۳	۳	۱۰۰	۵	۱۹۷	۱۰	۱۰

دستخط کپتان سٹین ہوس صاحب
قایم مقام کنسرویٹر اودہ فارست

CAMP ATROULAH,
The 8th December 1871.

W. STENHOUSE, *Captain,*
Offg. Conservator of Forests, Oudh.

Notice.

In the matter of the (English) Companies' Acts, 1862 and 1867, and in the matter of the Life Assurance Companies' Act, 1870, and in the matter of the European Assurance Company. } Whereas by an order made by the Vice-Chancellor Malins in the above matter, dated the 17th day of November 1871, Charles John Bunyon, of No. 19, Serjeant's Inn, Fleet Street, in the City of London, William Pollard Pattison, of No. 20, Cornhill, in the City of London, and Stephen Philpot Low, of No. 55, Parliament Street, in the County of Middlesex, were appointed Provisional Official Liquidators of the said Company, and empowered (amongst other things), to receive premiums on any Policies of Assurance of the said Company, and to carry the same to a separate account, to continue to carry on the business of the said Company so far as is necessary for keeping it together, and to collect and get in the outstanding assets of the Company, and for all or any of such purposes to do all acts and execute in the name and on behalf of the Company all deeds, receipts, and other documents.

Notice is hereby given, that all persons in British India indebted to or in possession of property or effects belonging to the said Company, are required forthwith to pay and deliver the same to Charles James Groom, and William Joseph Curtoys, carrying on business in co-partnership together in Calcutta under the firm or style of Grindlay and Company, and at Bombay, in the name or firm of Grindlay, Groom and Company, the joint and several constituted Attorneys of the said Provisional Official Liquidators, and of the said Company appointed with the approval of the Court.

The Calcutta business of the said Company will, until further notice, be carried on at the office of Messrs. Grindlay and Company, No. 6, Strand, Calcutta, where premiums on Policies of Assurance granted by the Company, will be received and carried to a separate account, and where persons desiring information as to the Company are requested to apply.

Dated the 5th day of January 1872.

C. J. BUNYON,
W. P. PATTISON,
S. P. LOW.

By their Attorney,
W. J. CURTOYS.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4441	A/61 80174	20	J. P. Edmunds, Esq.
	A/61 29805	20	
4442	A/63 61771	20	Baboo Gobind Chunder Bose.
	A/64 23631	20	
4443	A/64 83709	100	
	A/64 54805	100	
4446	A/64 28181	20	The Chief Pay Master, E. I. Railway.
4447	A/60 28851	100	Baboo Gopal Chunder Burmo.
	A/60 17888	100	
4448	A/65 26319	50	Baboo Prasana Chandra Ghosh.
4456	A/66 40151	10	Bogee Ram Doss.
497	A/60 25739	100	Mr. Wood.

CALCUTTA CIRCLE—*continued.*

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes partially lost or destroyed.		
		Rs.	
4440	A/97 85003	10	Baboo Hurry Bongs Chatterjee.
4449	A/83 53698	50	H. J. Thompson, Esq.
	A/83 53699	50	
4450	A/90 00123	100	The Manager, Delhi and London Bank.
4451	A/93 86368	20	G. C. Chapman, Esq.
	A/80 73130	10	
4452	A/98 20787	10	A. P. Neele, Esq.
4453	A/83 11171	50	C. E. Know, Esq.
4454	A/81 69545	20	P. Nebblett, Esq.
4455	A/98 85444	20	
4457	A/95 90126, A/95 90129 wrongly joined	10	J. G. Connew, Esq.
497	A/94 59931	20	A. A. Smith, Esq.
	A/94 05818	20	

PAPER CURRENCY OFFICE;
CALCUTTA,
The 11th January 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

LAHORE CIRCLE.

REGISTER NO	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Note wholly lost or destroyed.		
		Rs.	
110	E/4 18133	50	The District Supdt. of Police, Mooltan.
	Notes partially lost or destroyed.		
		Rs.	
111	E/4 11159	100	Messrs. Cooke & Kelvey, Calcutta.
112	I/5 06349	20	Mrs. Mary Seth Agacy, E. I. Railway Station, Jamalpore.
114	E/3 20008	100	Sarubsookh, Chaltah Bazar, Lahore.
	D/84 01506	100	
	E/4 20764	50	
	E/4 13080	50	

PAPER CURRENCY OFFICE;
LAHORE,
The 6th January 1872.

R. A. FINK, *A. A. G.*,
for *Deputy Commissioner.*

ALLAHABAD CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
108 ...	D/8 22370 ...	10 ...	Mirza Ibrahim Beg, Chundwara.
	D/8 22371 ...	10 ...	
109 ...	D/3 15745 ...	100 ...	Munnee Ram and Juggur Nauth, Allahabad.
	D/8 15746 ...	100 ...	
	D/8 15747 ...	100 ...	
	D/8 15748 ...	100 ...	
	Notes partially lost or destroyed.		
		Rs.	
245 ...	D/4 11832 ...	50 ...	Sohan Lall Chirkharee.
246 ...	D/8 34719 ...	10 ...	Beharee Lall Ghosal, Paphoond.
	D/8 27573 ...	10 ...	

PAPER CURRENCY OFFICE;
ALLAHABAD,
The 5th January 1872.

S. JENNINGS, *A. A. G.*,
for *Deputy Commissioner of Paper Currency.*

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Note wholly lost or destroyed.		
1871-72.		Rs.	
78 ...	C/67 04738 ...	1,000 ...	Messrs. Finlay, Muir and Co., 1, Forbes' Street, Fort.
	Notes partially lost or destroyed.		
1871-72.		Rs.	
A/15 ...	C/88 26615 wrongly joined C/88 26644 wrongly joined	50 ...	Eduljee Sorabjee, Shroff, Agra Bank.

PAPER CURRENCY OFFICE;
BOMBAY,
The 3rd January 1872.

A. R. GORDON,
Assistant Commissioner.

PROMISSORY NOTES.

Lost.

Government Security No. 002439/000969 of 5½ per cent. of 1859-60, for Rs. 5,000.

RUJJUB ALLI, FOR FATTEHMA KHATOON.

Government Promissory Notes of 3½ per cent. loan, Nos. 490 and 491 of 1853-54, for Rs. 10,000 each, and No. 492 of 1853-54 for Rs. 3,000.

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The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 13, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd January 1872, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 1 OF 1872.

A Bill to consolidate and amend the Law relating to the Courts in British Burma.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in British Burma; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Burma Courts Act, 1872."

Extent.

Commencement.

It extends to all the territories subject to the Chief Commissioner of British Burma; and shall come into force on the date of the passing thereof.

Pending suits to be disposed of by Courts in which instituted.

2. All suits, appeals, applications or proceedings instituted previous to such date in any Court, except those of the Chief Commissioner and the Recorders of Rangoon and Maulmain, shall be heard and disposed of by the Courts in which they were instituted.

Transfer of suits pending in Courts of Chief Commissioner and Recorder.

3. All suits, appeals, applications or proceedings pending in the Court of the Chief Commissioner, shall be transferred to the Court of the Judicial Commissioner, those pending in the Court of the Recorder of Rangoon shall be transferred to the Court of the Judge of Rangoon; and those pending in the Court of the Recorder of Maulmain shall be transferred to the Court of the Judge of the Town of Maulmain, or, if the subject-matter thereof be beyond his jurisdiction, to the Court which has jurisdiction under this Act.

Repeal of Acts.

4. The Acts mentioned in the schedule hereto annexed are hereby repealed, except as to the suits, appeals, applications and proceedings mentioned in section two, but not so as to affect the operation of any Act extended to British Burma by any of the said Acts.

CHAPTER II.

LAWS TO BE ADMINISTERED.

Certain decisions to be according to Native law.

5. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Buddhist law, where the parties are Buddhists, the Muhammadan law in cases where the parties are

Muhammadans, and the Hindú law in cases where the parties are Hindús, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom having the force of law prevailing in British Burma.

In cases not provided for by the former part of this section or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

CHAPTER III.

GRADES AND JURISDICTION OF COURTS.

Grades of Courts.

6. The Courts mentioned in the first column of the subjoined table shall ordinarily have such criminal jurisdiction as is specified in the second column thereof, and such civil jurisdiction in the adjudication of suits arising within their local jurisdiction as is specified in the third column thereof:

Name of Presiding Officer.	Criminal Jurisdiction.	Civil Jurisdiction.
(1.) The Extra Assistant Commissioner of the third class.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees five hundred.
(2.) The Extra Assistant Commissioner of the second and first class, and the Assistant Commissioner.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees three thousand.
(3.) The Town Magistrate.	The full powers of a Magistrate.	None.
(4.) The Judge of the Court of Small Causes at Rangoon.	None.	Powers of a Court of Small Causes, where the suit is of a nature cognizable by a Court of Small Causes, and the amount or value of its subject-matter does not exceed rupees one thousand.
(5.) The Deputy Commissioner.	The full powers of the Magistrate of the District.	Powers of a Civil Court in all suits, whatever be the value or the amount of the subject matter of the suit. Powers of a District Judge. Power to hear Appeals from decrees and orders of the Courts of the first and second grades, where such Appeal is allowed by law. Power to direct the business in the Courts of the first and second grades to be distributed among such Courts in such way as he shall think fit.
(6.) The Judge of the Town of Moulmein.	Powers of a Sessions Judge	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value does not exeeed rupees one thousand.
(7.) The Commissioner	Powers of a Sessions Judge	Power to withdraw any suit or appeal instituted in any Court within his jurisdiction, except a Court of Small Causes, and try such suit or appeal himself or refer it for trial to any Subordinate Court of competent jurisdiction. Power to hear appeals from decrees and orders of the Court of the fifth grade, where such appeal is allowed by law.
(8.) The Judicial Commissioner.	Powers of a Sudder Court	Powers of a High Court. Power to remove and try any suit or appeal instituted in any Subordinate Court. Power to hear appeals from decrees and orders of the Courts of the Commissioner where such appeal is allowed by law.

Chief Commissioner may give special jurisdiction.

7. The Chief Commissioner may invest any Assistant Commissioner or Extra Assistant Commissioner of the first or second class with power to try suits of which the amount or value does not exceed 5,000 rupees.

Chief Commissioner may create Courts of Small Causes.

8. The Chief Commissioner may invest the presiding officer of any Court of the second grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed one hundred rupees, and the presiding officer of any Court of the fifth grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed five hundred rupees.

Chief Commissioner may transfer appellate jurisdiction to Judicial Commissioner.

9. The Chief Commissioner may direct that the appellate jurisdiction of any Commissioner shall vest in the Judicial Commissioner.

Abolition of certain Courts.

10. From the date of the passing of this Act the Courts of the Chief Commissioner and of the Recorders of Rangoon and Maulmain and of the Cantonment Magistrate of Rangoon shall cease to exist.

Power to fix number of Courts.

11. The Governor General in Council shall fix, and may from time to time vary, the number of Courts of each grade to be established under this Act.

Appointment of officers.

12. The presiding officers of all the Courts except those of the first grade shall be appointed by the Governor General in Council.

The Extra Assistant Commissioners of the third class shall be appointed by the Chief Commissioner.

Suspension and removal of presiding officers.

13. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

The presiding officer of any Court except the Judicial Commissioner and the Judge of Rangoon may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

The presiding officer of any Court of the first grade may, for any misconduct, be suspended or removed by the Chief Commissioner.

Appointment of ministerial officers of Courts of first and second grades.

14. The ministerial officers of the Courts of the first and second grades shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate. The ministerial officers of all other Courts subordinate to the Judicial Commissioner shall be appointed by the presiding officers thereof; provided that the appointment of a ministerial officer whose monthly salary exceeds fifty rupees shall be subject to the sanction of the Judicial Commissioner.

Power to fine, suspend or remove such officers.

15. Every Court of the first and second grades may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office.

The Deputy Commissioner, subject only to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order, and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of any Court subordinate to him.

The presiding officers of all other Courts subordinate to the Judicial Commissioner may remove or suspend the ministerial officers of their respective Courts, or fine them in an amount not exceeding one month's salary, but every such removal or suspension made by a Commissioner or Deputy Commissioner shall be subject to the general control of the Judicial Commissioner.

Recovery of fines.

16. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Saving of general control of Chief Commissioner over appointments and removals of ministerial officers.

17. Nothing in this Chapter shall be deemed to bar the general control of the Chief Commissioner over all appointments and removals of ministerial officers under this Act.

Superintendence over Courts.

18. The general superintendence over all the Courts mentioned in section six is vested in the Judicial Commissioner whose Court shall be deemed the highest Civil Court of appeal; and, subject to such general superintendence, the Commissioner shall have control over the courts of the Deputy Commissioners within his Division: and the Deputy Commissioner over all the Courts of the first and second grades within his district.

Confirmation of existing Courts and presiding officers.

19. All existing Courts of the grades mentioned in section six, and the presiding officers thereof, shall be deemed to have been respectively established and appointed under this Act.

20. Every Court under this Act shall—

Seal to be used.

(1) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner;

Place for holding Court.

(2) be held at such place or places as may from time to time be directed by the Chief Commissioner; or in the absence of any such direction at any place within the local jurisdiction of the Court which the presiding officer may think fit.

Officers specially empowered may exercise powers within local jurisdiction of other courts.

21. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Chief Commissioner to fix local jurisdiction of Courts.

22. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, fix, and may with the like sanction from time to time vary, the local limits of the jurisdiction of any Court under this Act.

Existing local jurisdiction preserved.

23. The present local limits of the jurisdiction of every Court with the exception of that of the Chief Commissioner and those of the Recorder of Rangoon and Maulmain and the Cantonment Magistrate of Rangoon shall be deemed to be fixed under this Act.

Presiding officer of Court not to try suit or appeal in which he is interested.

24. No presiding officer of any Court shall, unless with the consent of the parties or the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any

appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

Mode of disposing of such suit.

When any such suit, appeal or proceeding comes before any such presiding officer, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

The superior Court shall thereupon try the case itself, or transfer it for trial to any Subordinate Court of competent jurisdiction.

In the event of an appeal being preferred to a Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner who shall either direct the Judicial Commissioner to try the case himself or transfer it to the Court of the Judge of Rangoon.

Procedure, when subject-matter of suit is situate within jurisdiction of different Courts.

25. Where a suit is brought for immoveable property situate within the local jurisdiction of different Courts, included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

If the Courts belong to different Divisions the application shall be made to the Judicial Commissioner through the Commissioner of the Division, in which the Court wherein the suit was instituted, is included.

List of holidays.

26. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

CHAPTER IV.

APPEALS.

Time allowed for presenting appeals to Commissioner.

27. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Respondent need not always be summoned.

28. The Appellate Court may confirm the decision of the Lower Court, without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the Appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Reference to Judicial Commissioner.

29. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt and refer it, with the Court's own opinion, for the decision of the Judicial Commissioner.

Procedure on such reference.

30. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made, and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity with such ruling.

Costs of reference.

The costs, if any, consequent on the reference of the case to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

When Judicial Commissioner may receive second appeal.

31. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Court, a further consideration of the case appears to him to be requisite for the ends of justice.

When decision of first Appellate Court to be final.

32. If the Court of first appeal confirms the decision of the Court of first instance on a matter of fact, such decision shall be final.

Reference to Judicial Commissioner at request of parties.

33. If the Court of first appeal confirms the decision of the Court of first instance on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have ruled amiss, and to submit it to the Judicial Commissioner.

Such application shall not be admitted, unless it is made within the period and after payment of the fee prescribed by law in regard to the presentation of appeals.

If the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall make a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Court of the Judicial Commissioner.

Procedure of Judicial Commissioner thereupon.

34. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred as if it were an appeal instituted in such Court, and shall send a copy of its judgment to the Court submitting the point, which shall dispose of the case in conformity therewith.

Section thirty to apply to reference to Judicial Commissioner.

35. The provisions of section thirty, as to the adjustment of costs, shall apply to cases referred under the last preceding section.

CHAPTER V.

COURT OF THE JUDGE OF RANGOON.

The Court of the Judge of Rangoon.

36. In addition to the aforementioned Courts, it shall be lawful for the Governor General in Council to establish a Court for the Town of Rangoon, which shall be called the Court of the Judge of Rangoon.

The said Judge shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

He shall hold his Court ordinarily in the Town of Rangoon, but the Chief Commissioner may direct him to hold his Court at any other place in British Burma.

Local limits of its jurisdiction.

37. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the jurisdiction of the Judge of Rangoon, but the Chief Commissioner may from time to time vary them with the previous sanction of the Governor General in Council.

Its civil jurisdiction.

38. The Court of the Judge of Rangoon shall have civil jurisdiction in the adjudication of suits of every description, and of whatever value arising within his local jurisdiction, except those which are cognizable by a Court of Small Causes.

Appeals from the Judge's Court to High Court, Calcutta.

39. There shall be no appeal from the decree or order of the Judge of Rangoon passed in any original suit or proceeding where the amount or value of the subject-matter thereof does not exceed three thousand rupees; but where the amount or value exceeds three thousand rupees, an appeal shall lie to the High Court of Judicature at Fort William in Bengal.

Assessors in Civil suits.

40. For the trial of Civil suits under this Act, the Judge of Rangoon may constitute one or more persons Assessor or Assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Judge. No Officer of the Judge's Court shall be appointed an Assessor under this section.

Miscellaneous jurisdiction.

41. The Judge of Rangoon shall, within the local limits of his civil jurisdiction, exercise the powers of a District Judge, and he shall also exercise the powers of a District Judge under Act IV of 1869 *(The Indian Divorce Act)* throughout British Burma.

Judge to exercise powers of Session Court within his civil jurisdiction.

42. The Judge of Rangoon shall exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, within the local limits of the civil jurisdiction of his Court. Sentences of death passed by him shall not be subject to confirmation by any Sudder Court, but shall require the concurrence of the Judicial Commissioner. If there be any difference of opinion as to the propriety of the sentence, the record of the trial shall be forwarded to the High Court of Fort William in Bengal, who shall pass such sentence or order in the case as to the said Court shall seem right.

And powers of High Court as to European British subjects.

43. The Judge of Rangoon shall exercise the powers of a High Court for the trial of European British subjects; and all commitments of European British subjects on charges of offences committed within British Burma shall be made to his Court.

Trial of offences punishable with death.

44. Provided that, when the offence be one punishable with death, the Judicial Commissioner shall sit with the Judge and form a Special Court of Sessions for the trial of the accused person; and if there arise any difference of opinion, the case shall be referred for the decision of the High Court of Fort William in Bengal.

Proceedings to be regulated by the Code of Criminal Procedure.

45. The proceedings on trials held by the Judge of Rangoon as a Court of Sessions, or by the Judicial Commissioner and Judge of Rangoon sitting together as a Court of Sessions, for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure.

Provided that European Officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

The Officer Commanding the Station where the Court of Sessions is about to be held shall, when required, send in to the Court a list containing the names of all Officers liable to serve.

The summons to any such Officer to serve as a juror shall be sent through the Officer Commanding the Station, but no Officer shall be excused from attendance unless the Officer Commanding the Station shall certify in writing to the Court that the presence of the Officer summoned is required elsewhere on urgent military duty. And in such certificate the Commanding Officer shall supply the name of some other Officer for service upon the jury.

The Judge of Rangoon to sum up.

46. In cases tried before the Judicial Commissioner, and the Judge of Rangoon as a special court of Sessions, the Judge of Rangoon shall sum up the evidence to the jury.

Sentence of death to be referred to High Court

47. Sentence of death passed upon an European British subject shall not be carried out without the confirmation of the High Court at Fort William in Bengal, to whom the case shall be referred.

Party aggrieved by any order may apply to High Court.

48. Any party aggrieved by a judicial order of the Judge of Rangoon, other than a decree or sentence in a criminal trial, or by any alleged misconduct on the part of the said Judge, may appeal against such order, or complain of such misconduct to the High Court of Fort William in Bengal, and the High Court shall have power to make such order thereon as it thinks fit.

Judge to keep such registers, &c., and to submit such returns, &c., as Chief Commissioner shall prescribe.

49. The Judge of Rangoon shall keep such Registers and Books and Accounts, and submit to the Chief Commissioner such statements and returns of the work done in his Court, on the Civil and Criminal sides, as may be prescribed by the said Chief Commissioner, subject to the approval of the Governor General in Council. The Judge of Rangoon shall also comply with such requisitions for information as may be made

by the Chief Commissioner, shall hold his Court at such times, observe such holidays and vacations as shall be prescribed by the Chief Commissioner, and generally, in matters not judicial, shall obey the orders of the Chief Commissioner.

Power to make rules of practice.

50. The Judge of Rangoon may make and issue general rules for regulating the practice and procedure of his Court, and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the local Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner.

Licensing of Advocates, and rules regarding qualifications and admission.

51. No person shall be permitted to appear or act as the Advocate of any suitor in the Court of the Judge of Rangoon, unless such person shall have been licensed thereto by the said Judge either generally, or specially; and the Judge may make rules for the qualification and admission of proper persons to act as Advocates in his Court, and from time to time may add to any such rules. Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf or on behalf of a co-suitor. Provided also that any person, who for the time being is an Advocate, Vakeel, or Attorney-at-law of any of the High Courts of Judicature in India, shall be entitled without any license to act as an Advocate for any suitor in the Court of the Judge of Rangoon.

Saving of agent for Secretary of State, &c.

And of Advocates, &c., of High Courts.

License may be suspended or withdrawn.

52. The Judge of Rangoon may, for any sufficient reason, suspend or withdraw any such license.

Fees of Advocates, &c., subject to taxation.

53. The fees to be received by any Advocate, whether general or special, licensed by the Judge of Rangoon or entitled to act as an Advocate for another person in his Court without a license, under section 51 of this Act, shall at all times be subject to the control and taxation of the said Judge, and no fees shall be recoverable by any Advocates except such fees as shall have been allowed by the said Judge on taxation.

Rules for service and execution of process, and table of fees for same.

54. The Judge of Rangoon may, with the previous sanction of the Chief Commissioner, make and alter rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction, and settle a table of fees to be allowed to the persons employed in such service or execution.

Publication of same.

All such rules and tables shall be published in the local Official Gazette, and shall thenceforth have the force of law.

Rules under certain Acts to be deemed to have been made under this Act.

55. Rules made and issued by the Judge of Rangoon under sections 16 and 19, Act XXI of 1863, and section 14, Act III of 1866, shall be deemed to have been made and issued under this Act.

Law to be administered.

56. Subject to the provisions of Section 5 of this Act, all questions of fact, law and equity arising in suits before the Judge of Rangoon and the Judge of the town of Maulmain shall be dealt with and determined according to the law administered by the High Court at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.

Provision for discharge of duties of Judge in case of vacancy in his office.

57. Upon the occurrence of any vacancy in the office of Judge of Rangoon and during any absence of the said Judge, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Judge, and the Judicial Commissioner or Commissioner shall thereupon be authorized to preside in the Court of the Judge and to exercise the jurisdiction of the Judge until some person shall have been appointed by the Governor General in Council to fill or officiate in the office of Judge of Rangoon and shall have entered upon the discharge of the duties of such office, or until the Judge shall have returned from such absence.

Mode of disposing of suit where Judge is interested.

58. When any suit or proceeding comes before the Judge of Rangoon in which he is a party or personally interested, he shall unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judge to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Appointment of ministerial officers.

59. The ministerial officers of the Court of the Judge of Rangoon shall be appointed by the said Judge, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary, but the removal or suspension of any officer drawing a salary of 100 rupees or upwards shall be subject to the orders of the Chief Commissioner.

CHAPTER VI.

SPECIAL COURT.

Constitution of special Court.

60. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Judge of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court as an assessor. Such Commissioner shall record his opinion in the case, but the decision shall rest with the Judicial Commissioner and the Judge of Rangoon.

Appeals from Judge of Maulmain.

61. Appeals from orders and decrees passed by the Judge of the town of Maulmain in civil suits and proceedings shall, where appeal is allowed by law, be heard and determined by the Special Court. Such appeals shall be presented in the Court of the Judicial Commissioner.

62. Any person convicted on a trial held by the Judge of Rangoon as a Court of Sessions may appeal to the Special Court. Such appeal shall be presented in the Court of the said Judge.

Appeals from Judge of Rangoon in criminal cases.

63. If, in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the Judicial Commissioner and the Judge of Rangoon shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case.

Judicial Commissioner or Judge may sit as Special Court at the request of the other.

64. It shall be lawful for the Chief Commissioner to direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, shall be tried before the Special Court.

Chief Commissioner may direct cases to be tried by Special Court.

65. When a difference of opinion arises in the Special Court, the following rules shall be observed :—

Rules as to finding of Special Court in case of difference of opinion arising.

(1). If the difference of opinion arise in a civil appeal, and be on any question of fact, and if either the Judicial Commissioner or the Judge of Rangoon agrees with the finding of the Court from whose decision the appeal has been made, the finding of that Court shall be upheld.

(2). If the difference arise in a civil appeal, and be on a point of law or usage having the force of law, or the construction of a document, the ruling of the Court from whose decision the appeal has been made shall be upheld, unless either the Judicial Commissioner or the Judge of Rangoon be of opinion that the point should be referred to the High Court of Judicature at Fort William in Bengal, in which case they shall state the point as to which they differ, and forward the statement with their respective opinions thereon to such High Court.

(3). In all other cases, the point shall be referred to the High Court with a similar statement of opinions.

66. Where the reference is in a civil suit, the Special Court may proceed in the case notwithstanding such reference, and may determine the suit contingent on the opinion of the High Court on the point referred; but no execution shall be issued in any civil case in which a reference shall have been made until the receipt of such opinion.

Decree may be passed contingent on opinion of High Court, but execution not to issue.

67. The High Court shall proceed to determine the point referred, as if it were an appeal instituted in such Court. A copy of the determination shall be sent to the Court from which the case was referred to the Special Court, and such Court shall dispose of the case accordingly.

Procedure of High Court on reference.

The costs, if any, consequent on the reference of the case for the opinion of the High Court, shall be costs in the suit or appeal.

The costs of reference.

68. Any decree or sentence passed by a Special Court as above constituted shall issue as and be deemed to be a decree or sentence of the Court from which the case was referred to the Special Court.

Decree of Special Court to be deemed a decree of original Court.

69. The Judicial Commissioner and the Judge of Rangoon may in concurrence, and subject to the orders of the Chief Commissioner, frame rules of practice and for regulating the times and places of the sittings of the Special Court. Any difference of opinion in regard to such rules shall be decided by the Chief Commissioner.

Rules for Special Court.

SCHEDULE.

No. and year.	Title.	Extent of repeal.
I of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said Territory.	The whole.
XXI of 1863 ...	An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmein in British Burma, and to establish Courts of Small Causes in the said Territory.	The whole.
XXIV of 1863 ...	An Act to amend Act I of 1863.	The whole.
III of 1866 ...	An Act to confer increased powers upon the Registrars of the Recorders' Courts in British Burma, and for other purposes.	The whole.

STATEMENT OF OBJECTS AND REASONS.

It having been determined to appoint a Judicial Commissioner for Burma, the object of this Bill is to provide for the constitution of that Officer's court, and to carry out certain modifications of the existing legal machinery of the province which experience has shown to be desirable. Provision is made for a special Court, consisting of the Judicial Commissioner and another officer, which will in certain cases sit as the final Court of Appeal, and will dispose of capital cases against European British Subjects.

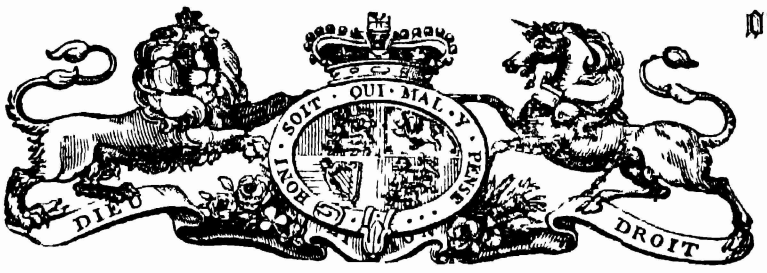
J. F. STEPHEN.

The 21st December 1871.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 2 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 13, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, of which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

PROPOSAL OF MESSRS. HOWARD, OF LONDON, TO PURCHASE TOBACCO GROWN IN THE KACHYEN AND SHAN STATES.

REVENUE.
No. 46.

INDIA OFFICE;
London, the 30th November 1871.

To His Excellency the Right Hon'ble the Govr. Genl. of India in Council.

MY LORD,—I transmit to your Excellency in Council herewith a copy* of a letter which has been received by this Department from Sir Louis Mallet, together with its enclosure, from Mr. Sullivan, on behalf of Messrs. Howard, requesting that their desire to purchase tobacco grown in the Kachyen and Shan States may be made known.

* 17th November 1871.
Mr. Sullivan, 27th October.

I have, &c.,
ARGYLL.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE;
The 17th November 1871.

C. 1040.

To the Under Secretary of State, India Office.

SIR,—I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you, to be laid before His Grace the Duke of Argyll, the enclosed copy of a communication which has been received from Messrs. Howard, requesting that steps may be taken to make known their desire to purchase tobacco, the growth of the Kachyen and Shan States.

I have, &c.,
LOUIS MALLET.

106, FENCHURCH STREET;
London, the 27th October 1871.

To the President of the Board of Trade.

HONOURED SIR,—We are in receipt of your honoured communication of the 26th instant. We so far avail ourselves of the offer therein made to us to ask the Lords of the Committee of Privy Council for Trade to inform the Department controlling the districts "Kachyen Hills" and "Shan States" that we, being in a position to take large quantities of the tobacco grown in these districts, are desirous of obtaining the information to whom we are to apply with the view of further developing the information afforded us by Major Sladen, and giving instructions how to prepare the tobacco for this market.

That the trade to Europe in this product will be of great advantage to the district growing it, and open out a new industry; if the Lords Commissioners of Privy Council for Trade will communicate the foregoing to the proper Department, we have little doubt of a successful result.

We have, &c.,
F. SULLIVAN.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT.

RETURNS OF TRADE, &c., IN LADÁKH.

TABLE I.

Imports into Ladákh for month of October 1871.

	Maunds of 80 lbs each.						Rate per maund.	Value
	Kullu	Rampur.	Kashmir territory.	Chinese territory	Turkistán	Total		
	Mds S	Mds S	Mds S	Mds S	Mds. S.	Mds S	Rs A P.	Rs.
1.—Piece-goods (cotton)	6 0		0 8			6 8	175 0 0	1,050
2—Coarse cotton goods			2 36		...	2 36	87 8 0	254
3.—Pashm (shawl-wool), white				50 0	..	50 0	70 0 0	3,500
4—Ditto (ditto), black				25 0	.	25 0	40 0 0	1,000
5—Wool				50 0	..	50 0	20 0 0	1,000
6—Sugar			8 16		.	8 16	40 0 0	336
7—Spices			15 32	..	...	15 32	40 0 0	632
8—Indigo			0 32		.	0 32	160 0 0	128
9—Rice			232 36	..	..	232 36	5 0 0	1,165
10—Barley (grain)	...		819 0	.	...	819 0	1 4 0	1,024
11—Barley meal (sattoo)		..	110 34		.	110 34	1 6 0	152
12—Dried apricots		..	54 16		.	54 16	5 0 0	272
13.—Apricot kernels			11 8			11 8	8 0 0	90
14—Currants, dried			2 16			2 16	12 0 0	29
15—Butter			31 30			31 30	20 0 0	635
16—Oil			6 32		.	6 32	26 0 0	176
17—Opium			2 32			2 32	480 0 0	1,344
18—Bhang *a*				.	9 0	9 0	50 0 0	450
19—Tobacco			5 32			5 32	20 0 0	116
20—Soda (coarse)			150 0			150 0	1 4 0	188
21.—Borax (refined) *b*		.	72 0			72 0	23 0 0	1,656
22—Sulphur *b*			325 0			325 0	161 0 0	5,200
23—Salt			0 25	7,575 0		7,575 25	varies	11,365
24—Saffron and leaves			1 22			1 22	varies	811
25—Majeet (a drug)			6 0			6 0	15 0 0	90
26—Drugs			0 32	...	.	0 32	60 0 0	48
27—Silver (English rupees)			0 25				*per seer.	2,000

a Remained on road from last year
b Imported by His Highness the Maharajah

TABLE I—*continued.*

	Maunds of 80lbs each.						Rate per maund.	Value.
	Kulu.	Rampur.	Kashmír territory.	Chinese territory.	Turkistán.	Total.		
	Mds. S.	Mds. S.	Mds. S.	Mds. S.	Mds. S.	Mds. S.	Rs. A. P.	Rs.
					By No.			
28.—Satin (pieces) ...	5	...	...	...	...	5	50 0 0	250
29.—Broad cloth (yards) ...	28	...	...	...	...	28	3 0 0	84
30.—Pushmina scarfs (pieces)	7	...	...	...	...	7	varies	184
31.—Balti chadders (pairs) ...	...	...	25	...	...	25	20 0 0	500
32.—Blankets (coloured) ...	...	...	5	...	...	5	varies	31
33.—Carpets ...	...	...	...	45	...	45	16 0 0	720
34.—Felts ...	...	..	...	75	...	75	3 0 0	225
35.—Red goat skins (scores)	58	...	307·5	...	...	365·5	20 0 0	7,300
36.—Shagreen (skins) ...	...	...	45	...	...	45	1 8 0	67
37.—Shoes (pairs) ...	20	...	535	...	..	555	1 0 0	555
38.—Pen-holders ...	...	...	3	...	...	3	2 0 0	6
39.—Cups (stone) ...	...	...	64	...	...	64	1 0 0	64
40.—Powder (boxes) ...	5	...	...	...	...	5	2 8 0	13
41.—Percussion caps (boxes)	25	...	...	...	...	25	2 0 0	50
42.—Rings and jewels ...	one box	...	...	...	...	one box	varies	210
43.—Tillas (coins)*a* ...	...	...	...	...	3,150	3,150	5 4 0	16,537
44.—Gold-dust (tolas) ...	..	...	...	...	3,795	3,795	14 0 0	53,130
45.—Silver (yamboos) ...	...	...	...	...	79	79	170 0 0	13,430
46.—Horses ...	...	...	15	...	...	15	40 0 0	600
Total ...	...	...	...	...	..	...	...	1,28,667

a Brought by the merchants who accompanied the Envoy.

TABLE II.

Exports from Ladákh for month of October 1871.

1.—Piece-goods (cotton) ...	...	...	...	...	95 4	95 4	175 0 0	16,642
2.—Pashm (shawl-wool), white ..	...	...	75 0	...	...	75 0	70 0 0	5,250
3.—Ditto black ...	...	...	9 8	...	...	9 8	40 0 0	368
4.—Wool ...	...	...	225 0	...	..	225 0	20 0 0	4,500
5.—Raw silk ..	0 24	...	...	...	...	0 24	260 0 0	156
6.—Sugar ...	...	...	...	...	105 24	105 24	40 0 0	4,224
7.—Spices ...	...	...	...	...	37 24	37 24	40 0 0	1,504
8.—Tea ...	...	...	16 17	...	3 0	19 17	150 0 0	2,914
9.—Haberdashery (maniaree)	...	...	...	...	10 25	10 25	150 0 0	1,594
10.—Rice ...	...	...	...	250 0	...	250 0	5 0 0	1,250
11.—Barley (grain) ...	...	...	...	580 0	..	580 0	1 4 0	725
12.—Apricots (dried) ...	...	...	...	50 0	...	50 0	5 0 0	250
13.—Opium ...	...	...	...	...	3 0	3 0	480 0 0	1,440
14.—Bhang ..	123 20	...	1 18	...	.	124 38	50 0 0	6,248
15.—Soda (phulli) .	...	...	54 0	...	..	54 0	1 4 0	66
16.—Borax (refined) *a* ...	...	...	63 0	...	...	63 0	23 0 0	1,449
17.—Sulphur *a* ...	...	...	325 0	...	...	325 0	16 0 0	5,200
18.—Salt .	...	...	7,525 0	...	...	7,525 0	1 8 0	11,288
19.—Drugs .	...	...	...	...	1 32	1 32	60 0 0	108
20.—Halela (a drug) .	...	...	...	...	15 0	15 0	32 0 0	480
21.—Senna .	...	...	...	...	13 32	13 32	20 0 0	276
22.—Rhubarb ...	5 32	...	..	...	...	5 32	80 0 0	464
	By No.	By No.	By No.	By No.	By No.	By No.		
23.—Brocade (kimkhab) ...	...	...	...	...	24	24	100 0 0	2,400
24.—Satin (pieces) ..	...	...	...	...	21	21	50 0 0	1,050
25.—Shawls, Kashmír (pairs)	...	...	...	...	110	110	100 0 0	10,100
26.—Balti chadders (pairs) .	132	...	...	...	...	132	varies	2,400
27.—Pashmina Ladákh .	...	...	1	...	...	1	10 0 0	10
28.—Chinese caps ...	7	...	..	...	...	7	5 0 0	35
29.—Carpets ...	49	...	...	...	...	49	16 0 0	784
30.—Felts ...	87	...	...	...	...	87	3 0 0	261
31.—Otter skins ...	...	...	..	...	797	797	4 0 0	3,188
32.—Red goat skins (scores)	...	...	...	...	15	15	20 0 0	300
33.—Chowries (Yák tails) ...	...	...	3	...	...	3	1 8 0	5
34.—Guns and pistols ...	...	...	...	...	21	21	varies	2,200
35.—Swords and spears ...	...	...	...	...	11	11	10 0 0	110
36.—Powder (boxes) ...	..	...	...	...	4	4	2 8 0	10
37.—Percussion caps (boxes)	...	...	...	...	48	48	2 0 0	96
38.—Tillas (coins)*b* ...	3,150	...	...	...	...	3,150	5 4 0	16,537
39.—Gold-dust (tolas)*c* ...	3,262	...	...	...	...	3,262	14 0 0	45,668
40.—Silver (yamboos)*c* ...	70	...	...	...	...	70	170 0 0	11,900
41.—Silver, broken (tolas) ...	350	...	...	...	...	350	1 0 0	350
42.—Horses ...	5	...	...	...	...	5	100 0 0	500
Total ...	...	...	...	...	...	...	...	1,64,301

a Exported by Maharaja. *b* Taken by the merchants with the Envoy. *c* Chiefly taken by the merchants with the Envoy.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORT ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS IN RAJPOOTANA.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
RAJPOOTANA ...	Sehore	Dec. 20, 1871	...	January 6, 1872	Rubbee prospects improved by the late showers.	The late rains have much improved the general prospects.
	Meywar	.....	·03	" "	Continuance of showery weather throughout the districts has brightened the rubbee prospects. Crops growing vigorously.	
	Marwar	.....	...	" "	Rubbee prospects improved by the late showers.	
	Deolee ... ... Kota ... ... Jhalawar	.....	...	" "	Tanks as usual; prospects good.	
	Bhurtpore	Dec. 23, 1871	·02	" "	Rubbee prospects favorable.	
	Jeypore	Jany. 3, 1872	·01	" "	Tanks and wells as usual; prospects good.	
	Ajmere and Mhairwarra...	Dec. 23, 1871	·02	" "	Weather cloudy. Tanks partially filled, except in Upper Mhairwarra. Rubbee sowing completed. Relief works for the poor in hand.	

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Tuesday, the 2nd January 1872.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. P., G. M. S. I., *presiding*.
His Honour the Lieutenant-Governor of Bengal.
The Hon'ble John Strachey.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
Major-General the Hon'ble H. W. Norman, C. B.
The Hon'ble F. R. Cockerell.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.

OATHS AND DECLARATIONS BILL.

The Hon'ble MR. STEPHEN moved that the report of the Select Committee on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindoos and Mahometans) be taken into consideration. He said this was a short Bill, but it was one which required some explanation, because the existing law on the subject had got into an intricate state, and because, although the Bill improved and simplified the existing law, yet it did not deal with the whole subject from the beginning to the end as he would have wished to deal with it The existing state of the law upon this subject was this. First of all, there were various old Regulations; then the Acts relating to procedure authorized the taking of oaths in all judicial proceedings. There were, besides, a good many isolated Acts, scattered over the Statute-book, requiring people under certain circumstances to take promissory oaths. In 1837, an Act was passed, XXI of 1837, which enabled the Governor General and certain other authorities to dispense with promissory oaths in all cases. In the year 1840, another Act was passed, No. V of that year, singularly narrow in its scope, which applied to the oaths and declarations of Hindús and Muhammadans; that Act commenced with these words:—

"Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindú or Muhammadan persuasion being compelled to swear by the water of the Ganges or upon the Koran, or according to other forms which are repugnant to their consciences or feelings;

It is hereby enacted that, except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the territories of the East India Company shall make affirmation to the following effect:—

'I solemnly affirm in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.'"

There was no provision, that he (MR. STEPHEN) knew of, regulating the form of oaths which were to be taken by persons other than Hindús or Muhammadans. That appeared to rest upon the practice of the Courts, although there were certain forms of oath provided in the old Regulations. These forms were now all done away with, and instead of them a solemn affirmation was substituted. The consequence of that was this curious state of things. The general rule was that every one must be sworn, but the form

of the oath was not prescribed. On the other hand, Hindús and Muhammadans were not to be sworn, but they were to make a declaration which a Christian would regard as an oath. So far as he knew, there was no law in India by which a Quaker or a Moravian, or any other person with the exception of Hindús and Muhammadans, could be excused from taking an oath in any Mofussil Court. That was clearly an extremely awkward and inconvenient state of things. It appeared that matters somehow went on until last summer, when an instance occurred, not very important in itself, which drew the attention of the Government of India to the subject. The instance to which he referred was this. There was an Act passed in this Council about a year ago about Coroners, which provided that jurors should be sworn; whereupon the Madras Government stated that they wanted to have a swearing Bráhman to administer the oath to Hindús empanelled upon Coroner's juries, because Act V of 1840 only applied to the statements of witnesses in judicial proceedings and did not apply to jurors' oaths, and they wished to have the old practice renewed. On examining the Acts upon the subject, the several defects in the law which he (MR. STEPHEN) had mentioned were detected.

One important provision had been omitted from the Bill which had been originally put into it. In the first instance, the Committee proposed to adopt the plan of authorising, though not compelling, the Court to tender an oath to any person in any shape binding upon his conscience. The Bill drawn in that manner was circulated for opinion in the usual way. The objections that were taken to that proposal appeared to him, when fully considered, to be conclusive. There was weight in the argument that, if you are to have oaths, you ought to have them in that form to which people attach the most importance, and, viewing oaths merely as an instrument for extracting truth, that looked very attractive; but there were very strong objections to it. In the first instance, there was the objection that it was hardly becoming to the dignity of Courts of Justice to countenance a miserable superstition merely because a witness here and there might be foolish enough to be influenced by it. Another objection was that many of the most effective of these oaths were such that, if permitted to be taken, they would impose cruel sufferings upon innocent persons. For instance, you made a man swear by the head of his son; the superstition connected with such an oath was that, if the man perjured himself, his son would die. Now, by imposing such an oath you certainly did put the son into a most unpleasant position, because the son might not believe in his father, and might believe in the superstition in question. He thought that, although there might be particular cases in which you might, by such means, attain some degree of truth, it was a mere speculation whether you would or would not, and directly the Courts began to rely upon it at all, they would cease to have any very particular effect. The fact was that these things were apt to be so very personal and peculiar to individuals, that no one could tell how they would act. It reminded him of the famous oath of Louis XI. There was a great discussion between him and the Constable of St. Pol as to the terms upon which the latter was to submit himself to Louis. Louis was asked to swear that he would give the Constable a safe-conduct; he said he would swear it with great pleasure: he was then asked to swear upon the cross of Saint Lo, but he said he would not take that oath on any account. The Constable refused very naturally to accept a safe-conduct guaranteed by any other. As regards any particular person in a particular instance, one could of course understand that such a practical test of sincerity might be useful. If, however, you gave a definite legal value to an oath on the cross of St. Lo, or on a tiger's skin, or a cow's tail, their value would soon be lost, and after all that was not the sort of foundation upon which you could with any propriety or dignity rest the administration of justice. So much for the reasons why the Committee gave up that notion.

The next question was, what course should be taken? The course proposed was very simple, though it was not quite satisfactory to the feelings of a draftsman. It was to extend the principle of Act V of 1840 to the oaths of all classes and persuasions. If the Bill could have been drawn in the manner in which he liked to see Bills drawn, it would have begun by stating on what occasions oaths should be imposed; on what people they should be imposed, and what classes should be exempted from taking oaths. But there would be a great deal of difficulty in doing that, and it was therefore determined to draw the Bill in the way in which it had been drawn now. First, it enacted that whenever, by any law, any person was required to take an oath or make a solemn affirmation—(the word "oath" applied to those now administered to Christians, Pársís, or other persons not being Hindús or Muhammadans: "solemn affirmation" applied to Hindús and Muhammadans who were excluded by Act V of 1840 from taking oaths)—the Courts might, in all cases, substitute a simple declaration for an oath, and that they should do so whenever it appeared that the person to whom the oath or solemn affirmation was to be administered had a conscientious objection to taking such oath, or did not understand its meaning, or regarded it as unmeaning or useless. In point of fact the solemn affirmation had, for all practical purposes, superseded all other oaths, except in the case of Christians, who were sworn in the ordinary manner. This Bill, therefore, as now drawn, simply carried out the intention of Act V of 1840, and made it of general application.

The next point was as to the form of declaration. The declaration in Act V of 1840 was—"I solemnly affirm in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth." The declaration in the Bill omitted the words "in the presence of Almighty God." The reason for doing so was, that it had been represented by various persons that the use of that expression, especially in the case of Hindús, was meaningless, objectionable, and unnecessary, and that they did not attach to it that degree of reverence which Christians only would attach to it. It had therefore been represented by nearly every officer that it had better be omitted. MR. STEPHEN added that if all persons were required to use that affirmation, all Christians who objected to oaths would be excluded from giving testimony. If a Quaker or Moravian, having conscientious scruples, were told to make this solemn affirmation, it would, from the use of the words "in the presence of Almighty God," be as repulsive to him as the taking of an oath which ended with the words "so help me God." The latter part of the section was to the same effect in regard to promissory oaths, and was little more than the re-enactment in a few words of Regulation XXI of 1837.

The last section of the Bill (4) empowered the Courts, either in addition to or in substitution for any oath, solemn affirmation, or declaration directed by law to be taken or made by a witness, to admonish the witness as follows:—

"Take notice that if, in the evidence you are about to give, you state anything that is false, and which you either know or believe to be false or do not believe to be true, you will be liable to be imprisoned for seven years, and also to be fined [or to such other punishment as the witness may be subject to under the Indian Penal Code.]"

That was an admonition which might not be without its use in particular cases, and which was expressly authorized to be used by one of the Bombay Regulations. The introduction of such a provision into the Bill was suggested by one of the Judges of the Bombay High Court.

He might mention in a few words the object of the amendment which he proposed to ask permission to be allowed to move, and which, if agreed to by the Council, would form section 5 of the Bill; it provided that nothing in this Act should enable any Court to administer any oath which might not have been administered under the old law.

This was necessary on account of the peculiar manner in which Act V of 1840 was drawn and the peculiar manner in which section 3 of this Bill fitted into it. Without the amendment which he intended to propose, it might be said that, taking together section 3 and Act V of 1840, Hindús and Muhammadans might be compelled to swear by the water of the Ganges and the Koran. He might state that it was not the intention to do that. He himself thought that the Bill as it stood would not have that consequence; but, however that might be, it appeared to him to be better to insert the amendment to avoid any doubt at all. The principle of the Bill was to extend the principle of Act V of 1840 to all oaths and to all classes in all cases, and to keep alive so much of that Act as forbade the use of particular forms of oath which were found to be objectionable. If this section, which he would ask permission to add to the Bill, were agreed to, he thought the Bill would be complete in itself, and the result of it would be this, that, in the case of Christians and in the case of all other persons other than Hindús and Muhammadans. oaths might continue to be administered as they were now administered, subject to the condition that, if the person required to take an oath objected to do so, a declaration might be substituted for an oath. As to Hindús and Muhammadans, the effect of the Bill would be, that no form of oath could be administered to them, and the substantial result of the whole would be that a declaration would practically take the place of oaths, except in the case of Christians.

His Honour THE LIEUTENANT-GOVERNOR would only wish to ask His Lordship and the Council, and especially the hon'ble member in charge of the Bill, that the final consideration of this Report and of the Bill should not be precipitated. He thought that no one could have listened to the explanation of the provisions of this Bill, which had been given by the hon'ble member in charge, without feeling that it involved questions of extreme doubt and difficulty: those questions had been before this Council but a very short time, and the Report of the Select Committee which he held in his hands was dated only on the 21st December last. For his own part, he must admit that, amongst other engagements to which he had to attend, it was only very recently that he had been able to turn his attention to this matter. This was a matter of extreme importance and extreme difficulty and doubt, in regard to which, if he might so describe it, the legislature had see-sawed a good deal. It had been enacted that there should be oaths; it had been enacted that there should be declarations; and various propositions had been brought forward at various times. If he were to seek for an illustration of the see-saw character of the opinions on this question, he thought he need not go further than the present Bill before the Council. When the Bill was originally brought in, it was, if he might say so, of a totally and diametrically opposite character to that now before the Council. When he looked at the Statement of Objects and Reasons which was submitted to the Council by the hon'ble member in charge, it was stated by the hon'ble member that "the object of the Bill was to throw into a single measure the various enactments at present regulating the subject of oaths and solemn declarations, and to extend the operation of those enactments to jurors and other persons besides witnesses in Court, for whom it was desirable that provision should be made." The hon'ble member had told us that, although it was his intention to consolidate into one enactment the whole law referring to oaths and declarations, he had seen reason to depart from that intention. It was patent that no such intention had been carried out; that, in fact, the Bill was not of the nature of a consolidating Bill in respect of the oaths to be administered; it only allowed certain exceptions in respect of the administration of oaths and affirmations, so that the law was left in the complicated state in which it was before. Then, he thought he might say that the essence of the Bill, as it was originally submitted to the Council, was to go to the extreme point in respect to the use of oaths as a means of eliciting

the truth: in fact, the Bill as originally drafted contained a clause which was the very essence of the Bill, namely, that the several Courts and officers should be empowered to swear any witness in any form whatever which seemed to them to be the form most likely to force the truth from any witness. Well, that was one view of the case: it was an extreme view of using oaths to the very utmost. Now, he found when he looked to the present Bill, that not only had that part of the Bill as originally framed been dropped, but that this Bill went exactly to the opposite extreme: in fact, it seemed to him now to be a Bill to abolish, to all intents and purposes, all oaths and solemn affirmations, inasmuch as it said that all oaths and solemn affirmations might be dispensed with in every case in which the Court or officer administering the oath might think proper to dispense with it: furthermore, it must be dispensed with in every case in which a person had conscientious objections to take such oaths or solemn affirmations; and he need not say that there was no test as to what were conscientious objections. If the person administering the oath, or the person to whom the oath was tendered, had an objection to administer the oath or to take the oath, then no oath or solemn affirmation was to be taken. So that it really came to this, that oaths and solemn affirmations were in future to be purely optional. He thought that it would be desirable that this Council, in taking up this matter, after the various proposals which had been brought forward, should come to a decisive conclusion one way or another; either to use oaths for the purpose of eliciting the truth, or to abandon them altogether. He had been struck by the opinions given in this matter by the Judges of the High Court of Bombay, and he could not but feel that Indian human nature was very much the same all over India. The opinions and practical experience which were set forth by the Judges of the High Court of Bombay, were exactly the kind of practical experience which he had himself had, and which led to the same phase of opinion in his mind. He thought that all men who had been actively engaged in the administration of justice were prepared to say that a solemn affirmation as now administered was a farce, and nothing but a farce; either it was gabbled over, or it became extremely troublesome when required to be administered to an old woman. He thought they would be all agreed that, for all practical purposes, it was of no use whatever. On the other hand, admitting to the fullest extent that there were very great doubts and difficulties in regard to some of the forms of solemn affirmation which were most binding on the consciences of the people of this country, it appeared to him that there was no country in the world in which, having regard to the manners and feelings of the people, oaths administered in Native form were more binding and more effective in eliciting the truth than in India. He might quote his own experience when a district officer, in his early days, in an unsettled district, where cattle-lifting was very common; in five-sixths of the cases they were settled by oath. The custom was very common for the claimant to come before the Magistrate and say that he would be satisfied if the defendant would make an oath—not a mere affirmation in our Courts, but a solemn oath as administered by themselves. The result of that appeal was that the claimant and the defendants went out together. His Honour did not enquire how they administered the oath; but either the cattle were restored, or the oath was taken, and the parties went away satisfied. In those early days, before the country was given over to law and lawyers, an oath was thought the most effective engine of justice. He was prepared to admit that there *were* difficulties in the way of swearing a man upon his son's head, and that it was repugnant to our feelings. He did not wish that he should be understood as pledging himself to the view towards which the remarks which he had just made might seem to tend; but he would ask the hon'ble member that he should give us time to consider this matter. He thought that the Council should not adopt at once what the hon'ble member had himself described as an incomplete measure and one not altogether satisfactory; but that we should take a little time about it, and having taken time, that we should face the difficulty boldly; that we should make up our minds either to use oaths or to give them up. If we used them, we should use them in such a manner as

to make them effective as an engine for the administration of justice. If we were to give up oaths, we should cease to use this farce of solemn affirmation, in which the name of Almighty God was used to an unjustifiable degree, and thus free the Courts of Justice from what he must consider to be a very vague and useless repetition of the name of Almighty God.

The Hon'ble MR. STEPHEN wished to say, with reference to the remarks of His Honour the Lieutenant-Governor, that, as far as he was concerned, he should be most happy to agree to the proposal to postpone the consideration of this Bill, if he saw the least reason to believe that, by postponing it, any more light on the subject would be obtained than was to be had at present, or that the Council would be better able to give an opinion upon the subject than they were at this moment. Now, he thought that His Honour had not quite understood him when he spoke of the Bill as an incomplete Bill. When he said that the Bill was incomplete, he meant that, if the Bill were drawn with that degree of completeness which one would wish to see, it would have begun by repealing certain parts of the Codes of Civil and Criminal Procedure; by laying down the cases in which oaths were to be imposed; by specifying the form in which those oaths were to be taken, and then detailing the cases in which persons were to be excused from taking oaths. That certainly would make the Bill more complete, if he might be allowed to use the expression, as a work of art; but it would have had no other practical effect whatever: it would have brought the law exactly to the shape in which it would now be brought by this Bill; and the difference between having a Bill a little more or a little less neatly expressed was not after all one of very great importance. He cared more for avoiding useless and irritating controversies, the only effect of which would be to provoke discussions, which would render it very difficult to obtain any practical object. Suppose we opened up the whole question of oaths, and discussed the question whether we should swear people in the High Courts as at present or not. He had his own opinion upon that point and others might have theirs. The subject was one upon which people felt very warmly. That was the sole reason why he preferred letting the matter remain as it was, to treating it with theoretical completeness.

His Honour said that this Bill had see-sawed from one extreme view to another extreme view. MR. STEPHEN quite admitted that he had changed his opinion as to the utility of these strange oaths which it was proposed should be administered. But, at the same time, he could not agree with His Honour in saying that the Bill had swung round from one extreme to another. The Bill was just where it was, except that one provision not at all essential to it had been left out. In the Bill as originally proposed, it was never intended that anybody should be compelled to take an oath; all that was intended was to empower people to tender such oaths as they thought would tend to the better administration of justice. The effect of the Bill as it had been now drawn by the Committee was to extend the principle of Act V of 1840 to all cases, instead of its being confined as now to Hindús and Muhammadans only. Therefore, when His Honour said that the Bill had swung round from one extreme view to another, he did not state the case correctly. If that had been the case, the first part of the Bill ought to provide that all witnesses should be sworn in all cases. The Bill did the very opposite of this.

MR. STEPHEN would proceed to the further remarks which had fallen from His Honour the Lieutenant-Governor. First, he wished to postpone the consideration of the Bill on the ground that the Council had not had time to make up their minds. Now, it appeared to him, from what had fallen from His Honour, that he at least had made up his mind in regard to the most important parts of the Bill, because he said that the solemn affirmation was no better than a farce and an absurdity. MR. STEPHEN did not think that, if we waited another week, His Honour would change that opinion. It appeared to him that, as to the whole of the Bill, with the single exception of what he had termed strange oaths, the Council was unanimous, and there was no occasion for further delay. He would ask the

Council to say whether, by waiting a fortnight or three weeks, they would be in a better position, after all their great experience in this country, to form an opinion upon the question whether or not it was desirable to have the curious oaths to which he had before referred. The Council had received papers from all the Local Governments; and of the High Courts who were consulted, most had expressed their opinions. The High Court of Bengal would not express any opinion. What more had we to wait for? The matter lay in a very small compass, and he was quite sure that His Honour the Lieutenant-Governor had his own opinion upon it: every one had his own opinion, and it was not likely that that opinion would be changed by delay.

There was one other remark of His Honour on which MR. STEPHEN had to make an observation. His Honour said that, in his younger days, it frequently used to happen that the people settled their disputes in cases of cattle-lifting by going out of Court and settling the matter by an oath, and His Honour asked no questions as to how the dispute was settled or what oaths were taken. That reminded him of an observation of a great authority whom we should all respect, to the effect that district officers ought not to be slaves to rules, and that they ought to be allowed to work the laws in a reasonable manner. MR. STEPHEN would ask what there was in the Code of Civil Procedure to prevent an officer from saying, "well, if you choose to do so, settle it by oath amongst yourselves." There was nothing in this Bill that would interfere with this. The Bill did not authorize the Courts to administer these curious oaths. It was one thing to say that the parties might abide by the result of such oaths, and a different thing to say that the Courts should administer them. On the question whether the Bill should now be taken into consideration, he was inclined to say that, by all means, it ought to be taken into consideration now. He would make one more remark to conclude with. His Honour had read out the Statement of Objects and Reasons attached to the Bill, and he said that the Bill did not carry out the purpose there stated of consolidating the law. MR. STEPHEN would affirm that it did carry out that object, though not quite in the best conceivable form. If this Bill was passed, the effect would be that there would be only one Act, namely, Act I of 1872, on the Statute-book relating to the subject of oaths and affirmations

The Hon'ble MR. STRACHEY said that, although he had signed the Report of the Committee which recommended that the Bill should be passed, and although he was personally content that the measure should pass in its present form, still he was disposed to support the view of His Honour the Lieutenant-Governor, that more time should be given for its consideration. MR. STRACHEY must confess that he did think with His Honour that the character of this measure had been very much altered since it was first introduced. We all knew that views of the most opposite kind were held on the subject by authorities who deserved equal respect, and although, as he said, he personally would be content to see the Bill passed, still the question having been raised by His Honour the Lieutenant-Governor, and he having stated his personal wish that more time should be given to him and to others for the consideration of the measure, MR. STRACHEY thought that it would be better that the consideration of the measure should be postponed.

His Honour THE LIEUTENANT-GOVERNOR desired to say a word in explanation. The hon'ble member in charge of the Bill seemed to suppose, in regard to the first part of the Bill, that HIS HONOUR was in perfect accord with him. He would like to explain, in regard to section 3, that he did not concur with the Bill in its present form. It appeared to him that, under that clause, the result would be that, in all cases of ordinary Native witnesses, very nearly the same form of declaration would be tendered to all witnesses; that was to say,— "I declare that what I am about to state is the truth, the whole truth, and nothing but the truth," with this exception that, when the Judge or Magistrate

chose to retain the words "in the presence of Almighty God," and when the witness did not object, those words would be added to the declaration.

The Hon'ble MR. STEPHEN said that that was not so: it could never be so administered. Act V of 1840 was to be repealed by this Bill. If a Magistrate did not think fit to exempt a witness from taking an oath, he might administer to him the caution prescribed in the Bill. He could not imagine the case of a Magistrate refusing to exempt a witness who had conscientious objections to the taking of an oath.

His Honour THE LIEUTENANT-GOVERNOR said his view was that the declaration set forth in the Bill should be applicable in all cases, and that no option should be given to the Judge or witness except in regard to particular cases.

The consideration of the Bill was then postponed for a fortnight.

BURMA COURTS BILL.

The Hon'ble MR. STEPHEN introduced the Bill to regulate the Courts in British Burma, and moved that it be referred to a Select Committee with instructions to report in a month. He said that this Bill had been drawn and settled with very great care, in communication with the local authorities of Burma, and he might briefly state what were the reasons which rendered it necessary and what was the course proposed to be taken. The first matter which rendered the re-adjustment of the Burma Courts necessary was this. The Chief Commissioner of British Burma, who had many exceedingly arduous executive duties, found himself, under the present state of things, hampered also with judicial work; and inasmuch as it was extremely desirable that he should be able to superintend matters, and to travel about freely and acquaint himself with the condition of the Province, it was thought hardly consistent that he should also be obliged to act as the principal Court of appeal. The main object of the Bill was to relieve the Chief Commissioner from the burden that was thrown upon him. The question which next arose was, how this was to be managed? Of course, it was an object to conduct the matter in as economical a manner as possible, though some small increase of expenditure would be absolutely unavoidable. The constitution of the Courts in Burma was somewhat peculiar. With regard to the inferior Courts, he might say that they were in much the same position as in other parts of the country. But there had been peculiar difficulties in respect to Burma. Rangoon and Maulmain were both towns of considerable commercial importance and contained a certain amount of European population; and he might say the same of Akyab. It was thought proper to take power to establish what were called Recorders' Courts in those towns, which were to occupy a position not altogether unlike, in some respects, the position occupied by the High Courts in the Presidency towns. This arrangement continued under various forms for a considerable time; no Recorder was ever appointed for Akyab, but there were Recorders for Rangoon and Maulmain. It was found by experience that the amount of work was not sufficient to warrant the keeping up of two officers of that character, and it was accordingly considered that the better arrangement would be to have one person only in that position, and to appoint a Judicial Commissioner, who should be the head of the judicial system of the Province, and who, for certain purposes, might be associated with the Recorder and form a Chief Court. He would also superintend the minor Courts and relieve the Chief Commissioner from judicial work, and thus enable him to discharge the other functions of his office. The Bill proposed that there should be a Judicial Commissioner; that there should be a Judge of Rangoon, and that there should be, in the place of the Recorder of Maulmain, a Judge who should perform the duties and occupy the position of a Small Cause Court Judge with the powers of a Sessions Judge for the trial of criminal offences. The present Recorder of Maulmain had equal jurisdiction with the Recorder of Rangoon, and his final jurisdiction was greater than that of any

Judge in India. His jurisdiction was without appeal up to Rs. 3,000, and in suits above that amount, the appeal lay, not to any Court in India, but to the distant tribunal of the Privy Council. There were various inconveniences connected with that position to which he need not particularly refer. He thought that the name of "Recorder" itself was rather an unfortunate and ill-chosen one, as it suggested a sort of comparison with the High Courts, and indicated to the persons who held the office that they were placed in altogether an exceptional position. Now, he did not think that it was at all desirable that that arrangement should continue, and experience had shown that it was not free from inconvenience. Of course, in a country like this, a good many executive duties were thrown upon Judges. It was necessary that they should exercise a degree of control over the inferior Courts; that they should submit returns; and that they should supervise the several departments attached to the Courts. Although, of course, no one would for a moment think of suggesting that, as regards his judicial duties, a Judge should not be absolutely independent, it by no means followed that it was a good plan to place a Judge in such a position as to make him think that he was not bound to comply with such reasonable requisitions as were made upon him for executive purposes. That was one matter which had been kept in view in framing this Bill. It proposed to do away with the title of "Recorder," which was objectionable on the ground stated, and to substitute, for the Recorders' Courts, Courts which should be organised in the following manner. The Judge of Rangoon would have the greater part of the work which was formerly done by the two Recorders of Rangoon and Maulmain: the rest of the work of the Recorder of Maulmain would be transferred to a less highly paid officer. The Judicial Commissioner would have the general superintendence of the Courts, and, in most cases, he would be the Court of appeal from the inferior Courts; but the Judicial Commissioner and the Judge of Rangoon would sit together in certain cases and form a Court for the purpose of dealing with the more important cases of appeal. MR. STEPHEN ought also to remark that they had taken the opportunity to put the relations between the High Court of Calcutta and the Court of Rangoon on a more distinct footing than that upon which they now stood. There was a case reported, which excited considerable attention at the time, on the question whether the Court of Maulmain was or was not under the supervision of the High Court of Calcutta. The High Court said that it was, and the Court of Maulmain thought that it was not: MR. STEPHEN thought that it was a matter of considerable doubt whether it was or was not. It was exceedingly difficult to say who was right and who was wrong. At all events, a difference of opinion of that kind, which was brought prominently before the public, placed the Government of India in a very unpleasant position, inasmuch as it was more or less called upon to decide upon a question of law upon which two high judicial authorities differed. He thought that that was not a convenient state of things, and it was therefore proposed to define exactly the relations between the High Court of Calcutta and the Judicial Authorities in Burma. Those were the most important provisions of the Bill, and he hoped the Council would agree to refer it to a Select Committee. He hoped that the Bill would be disposed of speedily: it had been drawn with great care and in personal consultation with the Chief Commissioner of Burma.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to regulate the Courts in British Burma—The Hon'ble Messrs. Strachey, Ellis, Cockerell and Chapman and the Mover.

The Council adjourned *sine die.*

CALCUTTA,
The 2nd January 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl for making Laws and Regulations.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

SEVERE FLOODS IN THE JUMNA IN JULY AND AUGUST 1871, AND THEIR EFFECTS ON THE OKHLA WEIR, AGRA CANAL.

Extract of a Report from the Government, North-Western Provinces, Public Works Department, Irrigation Branch, on Extraordinary Irrigation Works for quarter ending 30th September 1871.

AGRA CANAL,—FIRST DIVISION.

Jumna Bund or Left Embankment.—After the closing of the breach reported in last quarter's narrative, the strengthening of the bund was carried on, and no further damage was sustained, in spite of heavy floods on the 17th and 21st July, both of them much larger than that of the 24th June. A considerable inconvenience was felt from the water which passed through the opening at the tail of the Eastern Jumna Canal, and flooded the burrow pits. On the 30th July, however, the Executive Engineer, Eastern Jumna Canal, telegraphed, "expect an enormous flood in Jumna," and on the night of the 31st two breaches occurred opposite Chilla, and the adjoining land was immediately submerged. These breaches were together at least 300 feet wide, and there was no hope of closing them; all that could be done was to protect the broken ends. On the 1st August this flood was at its height, the head of water on the weir was 5·33 feet, the actual depth of film on the crest 4·50, and the discharge, taking weir breach and undersluices together, about 112,000 cubic feet. On the 2nd August two new breaches occurred, about 3,500 feet up-stream of the weir. Things remained in this state till the 12th August. The broken part of the bund next the weir was protected with stones, and several spurs, to protect the reverse slopes of the bund, were put in. Large quantities of stones were carried across from Okhla for the work. On the 12th August the highest flood of the season occurred. Six new breaches were formed in the bund which drew off an enormous body of water, part going to the Hindun, and part back to the Jumna below the weir. The discharge was measured on the weir, and, together with the discharge of the undersluices and that of the numerous breaches, the flood on this day cannot have been much, if at all, less than 150,000 cubic feet per second.

One of these breaches occurred only 560 feet up-stream from the line of weir, and caused great anxiety. By a liberal use of stone, however, any further cutting back was stopped. Several stone spurs were required to protect the back of the bund.

The breach cut very deep, and has been closed lately, but not without considerable difficulty, and a large expenditure of stone and gravel.

The Eastern Channel Bund was a source of considerable uneasiness during the floods. It showed signs of leakage from underneath. In many places the soil at the down stream, too, got quite quick, and a good deal had to be done in the way of extending their up-stream slopes. When the river was in high flood, there was quite a sea on. The reverse slopes also fell away :—

Amount of Estimate	Rs.	29,400
Expenditure to date	„	33,931
Assignment for 1871-72	„	33,931
Expenditure during the year	„	21,082
Ditto ditto quarter	„	20,549

HEAD WORKS.

Left Wing Wall.—The stone bank made in continuation of the line of wall down stream proved of great use, but requires extension. It is to be regretted that the sloped wall was not made longer down stream.

A return on the up-stream side, like that added by the late Colonel Anderson, would have been a further improvement. There was a good deal of cutting, and stone had to be put in to secure the platform.

The spur up-stream answered well, but requires extension.

The weir showed by the breaks, which developed themselves in the curve of the water, that some disturbance of the pitching was going on. There were two kinds of these breaks. One, a spoon-shaped depression just below the crest was thought to indicate a removal of some of the stone-pitching just below the wall, and the falling water has left these visible now Large quantities of stone were put in whenever these appeared, but Superintending Engineer considers without any good result.

The other kind was at the tail of the weir ; back eddies developed themselves at numerous places, and wherever they appeared stone was put in, the result of which was to cause a deposit of silt below.

It cannot yet be ascertained what the state of the bed is below these places ; if they were holes, the stone seems to have had the effect of completely silting them up.

The stone thrown in now lies in large masses just below the staging, extending about 60 feet from it. No very serious damage has occurred to the surface of the weir so far as can be seen at present. A great deal of the small stone with which the second width of 90 feet was pitched is in excellent condition, having been protected by the back-water.

The velocity on the upper part of the slope reached 18 feet per second on the 12th August, the mean velocity on the crest observed at five depths with current-meter being 9·3 feet.

No settlement of the weir wall took place.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, MONDAY, JANUARY 15, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 15th January 1872.

The Viceroy and Governor General has received through the Secretary of State for India, the following telegram from Her Majesty :—

"The QUEEN has been much touched by the sympathy "evinced by the people of India in the anxiety occasioned "by the illness of the PRINCE OF WALES, and desires that "your Excellency shall make this known to Her Indian "subjects."

The Viceroy knows that this gracious message from their QUEEN, will be received by the people of this vast Empire with sincere gratification. The Viceroy feels sure that with the universal feeling of affection for Her Majesty and Her Family, is mingled that of heartfelt gratitude to GOD, that HE has mercifully spared the PRINCE OF WALES' life, and saved The QUEEN from a deep affliction, and Her people from a great calamity.

This Notification to be transmitted to all Governors, Lieutenant Governors, Chief Commissioners, Residents, Agents to the Governor General, and Native Chiefs and Princes in India.

E. C. BAYLEY,

Secretary to the Government of India.

Printed and Published for the GOVT OF INDIA, *at the Office of* SUPDT GOVT PRINTING 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, JANUARY 16, 1872.

FOREIGN DEPARTMENT.

NOTIFICATION.

POLITICAL.

Fort William, the 16th January 1872.

His Majesty the King of Siam arrived at Calcutta, and landed at Prinsep's Ghât at 3-30 P.M., on the 13th January 1872.

His Majesty was met at the Sandheads by the Master Attendant of Calcutta.

A Deputation, consisting of the Secretary to Government in the Financial Department; one of the Secretaries to the Bengal Government; Captain Henderson from the Foreign Office, and two Aides-de-Camp of His Excellency's Personal Staff, proceeded down the River, as far as Diamond Harbour, in the Viceroy's State Barge, *Sonamookee*, to convey His Majesty to Calcutta.

On the arrival of the *Sonamookee* off Prinsep's Ghât, the Secretary and Under-Secretary in the Foreign Department, went on board for the purpose of escorting the King to the shore.

On disembarking at Prinsep's Ghât, His Majesty was received by His Honor the Lieutenant-Governor of Bengal, with his Personal Staff, the Brigadier-General Commanding the Presidency Division, and the Brigade Staff.

A Guard of Honor, composed of a Wing of Native Infantry, with Band and Colors, was drawn up in front of Prinsep's Ghât.

A Royal Salute was fired from the ramparts of Fort William as the King of Siam left the *Sonamookee*.

The King of Siam, His retinue, and the British Officers deputed to meet His Majesty, then proceeded in the Viceroy's carriages, escorted by a Squadron of Cavalry, to Government House. A Guard of Honor, consisting of a Wing of

European Infantry, with Band and Colors, was drawn up in front of Government House. The Viceroy's Body Guard lined the Grand Staircase and Marble Hall. The Throne Room was filled with spectators admitted to witness the King's reception.

At the foot of the Grand Staircase of Government House, the King of Siam was met by the Secretaries to the Government of India, who accompanied His Majesty up the steps.

At the top of the Grand Staircase, His Majesty was met by His Excellency the Viceroy and Governor General, attended by the Hon'ble the Chief Justice of Bengal; the Right Revd. the Bishop of Calcutta; the Hon'ble Members of Council; the Private Secretary to the Viceroy, and the remainder of the Personal Staff.

The Viceroy then conducted His Majesty to a Seat on the Dais at the right hand of the Throne, and addressed him with the following words of welcome :—

MAY IT PLEASE YOUR MAJESTY—

"It gives me the greatest gratification to welcome you in the name of my Most Gracious Sovereign the Queen, to the Empire of Hindostan.

"It will be my duty to receive you as a faithful and true ally of Her Majesty, and to offer you all such tokens of hospitality and respect as lie within my power.

"I trust that your Majesty will find here, and during your tour throughout this Great Empire, much to interest you; and that your Majesty's visit will improve and develope those friendly relations, which already exist between the subjects of the Queen, and the many millions of people over whom you exercise your Kingly rule."

After a short conversation, the Siamese Princes, and the King's Ministers and Principal Officers were introduced to the Viceroy by the British Consul at Bangkok; after which the principal officials of the British Administration were presented to the King of Siam by the Viceroy, and by the Foreign Secretary. His Majesty was then conducted to his carriage with the same honors that attended his arrival, and was escorted by the Secretary to Government in the Foreign Department; the Under-Secretary in the Foreign Department; and two of the Viceroy's Aides-de-Camp, accompanied by a detachment of Cavalry, to the residence selected for His Majesty.

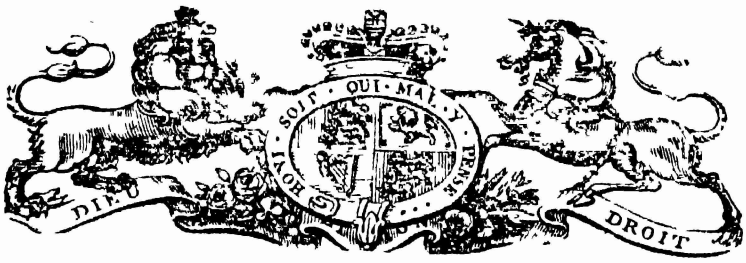
A Royal Salute was fired from the ramparts of Fort William as His Majesty left Government House.

On arriving at His Majesty's Residence, the Officers who accompanied him took their leave.

C. U. AITCHISON,
Secy. to the Govt. of India in the Foreign Dept.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

No. 3 of 1872.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 20, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

	PAGE
PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations	87—106
PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices	25—28
PART III.—Advertisements and Notices by private Individuals and Corporations	17—21
PART IV.—Acts of the Governor General's Council assented to by the Governor General — *Not printed this week.*	
PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—	
The Burma Courts Bill	23—29
SUPPLEMENT, No. 3	41—56

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 15th January 1872.

No. 204*A*.—The Viceroy and Governor General has received, through the Secretary of State for India, the following telegram from Her Majesty :—

> "The QUEEN has been much touched by the sympathy evinced by the people of India in the anxiety occasioned by the illness of the PRINCE OF WALES, and desires that Your Excellency shall make this known to Her Indian subjects."

The Viceroy knows that this gracious message from their QUEEN, will be received by the people of this vast Empire with sincere gratification. The Viceroy feels sure that with the universal feeling of affection for Her Majesty and Her Family, is mingled that of heartfelt gratitude to GOD, that HE has mercifully spared the PRINCE OF WALES' life, and saved the QUEEN from a deep affliction, and Her people from a great calamity.

This Notification to be transmitted to all Governors, Lieutenant-Governors, Chief Commissioners, Residents, Agents to the Governor General, and Native Chiefs and Princes in India.

The 19th January 1872.

No. 251.—The under-mentioned Covenanted Civil Servants have been granted by Her Majesty's Secretary of State for India, extensions of leave for the periods specified against their names:—

Mr. F. S. Wigram, 6 months (medical certificate).
„ C. J. Daniell, 2 „ (private affairs).

No. 285.—The services of Captain W. G. Hughes, Assistant Commissioner, 1st Grade, and Officiating Deputy Commissioner, 4th Grade, in British Burmah, are placed at the disposal of the Foreign Department.

No. 288.—The Governor General in Council is pleased to make the following promotions and appointments in the Central Provinces' Commission:—

Major F. Fenton, Deputy Commissioner of the 1st Class, to officiate as Commissioner of the Chhatisgurh Division during the absence on furlough of Major A. B. Cumberlege, or until further orders.

Major C. B. Lucie-Smith, Deputy Commissioner of the 2nd Class, to officiate as Deputy Commissioner of the 1st Class, *vice* Major Fenton.

Mr. J. H. Fisher, of the Bengal Civil Service, to officiate as a Deputy Commissioner of the 3rd Class.

Major C. James, Madras Staff Corps, to be a Deputy Commissioner of the 4th Class.

No. 289.—Captain J. L. Loch, Deputy Commissioner of the 4th Class, in the Central Provinces, and Officiating in the 3rd Class, reverted to his substantive appointment from the 26th November 1871, the date on which Major W. B. Thomson returned from furlough.

JUDICIAL.

The 19th January 1872.

No. 96.—The Governor General in Council is pleased to appoint Mr. J. D. Sandford, M.A., Barrister-at-Law, and of the Bengal Civil Service, to be Judicial Commissioner of British Burmah.

No. 97.—The Governor General in Council is pleased to declare the Judicial Commissioner of British Burmah to be the authority for hearing criminal appeals, and for revising criminal sentences in that Province, except in regard to the Sessions Courts within the limits of the jurisdiction of the Recorders of Rangoon and Moulmein.

EDUCATION.

The 19th January 1872.

No. 31.—His Excellency the Governor General in Council is pleased to appoint the undermentioned Gentlemen to be Fellows of the University of Calcutta, *viz.*:—

Sir G. E. W. Couper, Bart., C.B., C.S.I.
J. Graham, Esq.
A. C. Lyall, Esq., C.S.,
Lieutenant Colonel H. Hyde, R.E.
Lieutenant Colonel J. F. Tennant, R.E.
J. Beames, Esq., C.S.
W. W. Hunter, Esq., B.A., LL.D., C.S.
A. W. Croft, Esq., M.A.
Captain H. S. Jarrett.
Assistant Surgeon G. King, M.B.
T. S. Isaac, Esq.
Doctor J. Anderson.
G. Sibley, Esq., C.E.
The Reverend R. Jardine, B.D.
The Reverend S. Dyson.
The Reverend C. E. Vines, B.A.
Sub-Assistant Surgeon Tameez Khan, Khan Bahadoor.
Baboo Doorga Churn Laha.
Baboo Gour Das Bysakh.

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions, even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Com-

merce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1st.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

LAND REVENUE AND SETTLEMENT.

Fort William, the 17th January 1872.

No. 63.—Mr. J. F. K. Hewitt, Settlement Officer, Raepore, to whom two years' furlough was granted under Notification of the Chief Commissioner of the Central Provinces, No. 94, dated 25th February 1869, has been allowed an extension of leave for six months by Her Majesty's Secretary of State.

No. 65.—Mr. H. H. Butts, Assistant Settlement Officer, Oudh, who was granted six months' leave to Europe, on medical certificate, under Notification of the Chief Commissioner of Oudh, No. 170, dated 1st April 1871, has been allowed an extension of leave for two months by Her Majesty's Secretary of State.

FORESTS.

The 17th January 1872.

No. 80.—Captain E. S. Wood, Conservator of Forests in Oudh, to whom eighteen months' leave of absence to England, on medical certificate, was granted under Public Works Department Notification No. 8F, dated 18th May 1870, has been allowed an extension of leave for six months by Her Majesty's Secretary of State.

No. 82.—Mr. L. Gavin, Assistant Conservator of Forests, 3rd Grade, is transferred from the Punjab to the Central Provinces.

SURVEYS.

The 16th January 1872.

No. 29.—Mr. R..R. Beynon, Deputy Superintendent of the Revenue Survey, Hyderabad Assigned Districts, is appointed to officiate as Superintendent during the absence on leave of Major P. A. Elphinstone, or until further orders.

The 17th January 1872.

No. 33.—Lieutenant Alexander James Corse Scott, Bengal Staff Corps, is appointed a Probationary Assistant in the Revenue Branch of the Survey of India.

The 18th January 1872.

No. 37.—The promotion of Lieutenant J. B. Lawrence, Assistant Superintendent, Revenue Survey, Mysore, from the 3rd to the 2nd Grade, published in the Notification No. 43, dated 13th July 1871, will have effect from the 10th March 1871, instead of from the 3rd April 1871.

MUNICIPALITIES.

The 19th January 1872.

No. 3.—Under Section 21, Act XV of 1867, the Governor General in Council is pleased to extend the provisions of the said Act to the Town of Shahabad, in the District of Hurdui, Oudh.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

POLITICAL.

Fort William, the 16th January 1872.

HIS MAJESTY THE KING OF SIAM arrived at Calcutta, and landed at Prinsep's Ghât at 3-30 P. M., on the 13th January 1872.

His Majesty was met at the Sandheads by the Master Attendant of Calcutta.

A Deputation, consisting of the Secretary to Government in the Financial Department; one of the Secretaries to the Bengal Government; Captain Henderson from the Foreign Office, and two Aides-de-Camp of His Excellency's Personal Staff, proceeded down the River, as far as Diamond Harbour, in the Viceroy's State Barge, *Sonamookee*, to convey His Majesty to Calcutta.

On the arrival of the *Sonamookee* off Prinsep's Ghât, the Secretary and Under Secretary in the Foreign Department went on board for the purpose of escorting the King to the shore.

On disembarking at Prinsep's Ghât, His Majesty was received by His Honor the Lieutenant Governor of Bengal, with his Personal Staff, the Brigadier General Commanding the Presidency Division, and the Brigade Staff.

A Guard of Honor, composed of a Wing of Native Infantry, with Band and Colors, was drawn up in front of Prinsep's Ghât.

A Royal Salute was fired from the ramparts of Fort William as the King of Siam left the *Sonamookee*.

The King of Siam, His retinue, and the British Officers deputed to meet His Majesty, then proceeded in the Viceroy's carriages, escorted by a Squadron of Cavalry, to Government House. A Guard of Honor, consisting of a Wing of European Infantry, with Band and Colors, was drawn up in front of Government House. The Viceroy's Body Guard lined the Grand Staircase and Marble Hall. The Throne Room was filled with spectators admitted to witness the King's reception.

At the foot of the Grand Staircase of Government House, the King of Siam was met by the Secretaries to the Government of India, who accompanied His Majesty up the steps.

At the top of the Grand Staircase, His Majesty was met by His Excellency the Viceroy and Governor General, attended by the Hon'ble the Chief Justice of Bengal; the Right Revd. the Bishop of Calcutta; the Hon'ble Members of Council; the Private Secretary to the Viceroy, and the remainder of the Personal Staff.

The Viceroy then conducted His Majesty to a seat on the Dais at the right hand of the Throne, and addressed him with the following words of welcome:—

MAY IT PLEASE YOUR MAJESTY—

"It gives me the greatest gratification to welcome you in the name of my Most Gracious Sovereign the Queen, to the Empire of Hindostan.

"It will be my duty to receive you as a faithful and true ally of Her Majesty, and to offer you all such tokens of hospitality and respect as lie within my power.

"I trust that your Majesty will find here, and during your tour throughout this Great Empire, much to interest you; and that your Majesty's visit will improve and develope those friendly relations, which already exist between the subjects of the Queen, and the many millions of people over whom you exercise your Kingly rule."

After a short conversation, the Siamese Princes, and the King's Ministers and Principal Officers were introduced to the Viceroy by the British Consul at Bankok; after which the principal officials of the British Administration were presented to the King of Siam by the Viceroy, and by the Foreign Secretary. His Majesty was then conducted to his carriage with the same honors that attended his arrival, and was escorted by the Secretary to Government in the Foreign Department; the Under Secretary in the Foreign Department; and two of the Viceroy's Aides-de-Camp, accompanied by a Detachment of Cavalry, to the residence selected for His Majesty.

A Royal Salute was fired from the ramparts of Fort William as His Majesty left Government House.

On arriving at His Majesty's Residence, the Officers who accompanied him took their leave.

On Monday, the 15th of January, HIS MAJESTY THE KING OF SIAM received His Excellency the Viceroy and Governor General at his residence, No. 7, Wood Street.

The Viceroy was accompanied by the Lieutenant Governor of Bengal, with His Honor's Personal Staff; the Hon'ble Members of Council; the Chief Commissioners of the Central Provinces and British Burmah; the Brigadier General Commanding the Presidency Division, with the Brigade Staff; the Secretaries to Government in the several Departments; His Excellency's Private Secretary; the Under Secretary in the Foreign Department, and His Excellency's Personal Staff.

A Squadron of the Body Guard accompanied the Viceroy.

A Guard of Honor of European Infantry was drawn up at the King's Residence.

A Deputation, consisting of the elder of the King's full brothers, Their Excellencies the Kalahome, and the Kromata, accompanied by Major Sladen, waited on His Excellency the Viceroy, at Government House, at 3-40 P. M.

A Royal Salute was fired from Fort William as the Cortége left Government House.

The Viceroy was met on alighting by the King, accompanied by the Consul General at Bankok, and was conducted to a seat at the King's right hand. On the Viceroy's right sat the Lieutenant Governor of Bengal, the Hon'ble Members of Council, and the other British Officers who accompanied His Excellency. On the left of the King sat the Siamese Princes of highest rank, Their Excellencies the Kalahome and the Kromata; the Consul General at Bankok; Major Sladen; the other Siamese Princes, and the Officers in attendance on the King.

When the Viceroy had taken his seat, the King rose, and addressed His Excellency in the Siamese language in the following words:—

"Your Excellency—Allow me to thank you for the honorable reception that has been given to me.

"Ever since I left my own country, I have found myself, when on shore, within the dominions of Her Majesty the Queen of Great Britain and Ireland, and Empress of India. First at Singapore, and afterwards at Penang, Moulmein, Rangoon, and now at Calcutta, I have been received by the authorities and public with the highest honors, and most perfect friendship. For these receptions I have to thank in the first instance Her Gracious Majesty the QUEEN, and secondly THE EARL OF MAYO, the Viceroy who represents Her Majesty's authority, in this magnificent Empire.

"It is my earnest hope that what I have already seen, and what I am about to see, will be of use not only to myself, but also to the people over whom it is my destiny to rule. Be this, however, as it may, of one thing I am certain, namely, that towards Her Majesty, and towards Her Majesty's Viceroy in India, I shall ever entertain feelings of the strongest regard and respect; and I earnestly hope that they will reciprocate those feelings."

A translation of His Majesty's words was then given by the Consul General at Bankok.

To this the Viceroy replied, by an assurance of the pleasure which he should experience in communicating to Her Majesty the QUEEN, the gratification felt by the KING OF SIAM at the manner of His reception in India; and by a renewed expression of His Excellency's hope that the King would derive much pleasure from His visit, in the course of which His Majesty would, His Excellency felt assured, obtain much useful information and add to the number of His many friends.

After a short conversation, the Consul General at Bankok then rose, and presented to the Viceroy one by one the Siamese Princes, Ministers, and Officers in attendance. The Viceroy shook hands with the Princes, and with their Excellencies the Kalahome and the Kromata.

The same ceremonies which attended the Viceroy's arrival were repeated on His Excellency's departure, and a Royal Salute was again fired.

The 19th January 1872.

No. 166*P.*—APPOINTMENT.—Captain G. A. Strover, Assistant Political Agent at Bhamo, and Officiating Political Agent at Mandalay, is confirmed in the latter appointment.

GENERAL.

The 17th January 1872.

No. 103*G.*—Major J. A. Campbell, Secretary to the Chief Commissioner of Mysore and Coorg, has obtained one month's privilege leave of absence from the 3rd January 1872.

Lieutenant Colonel J. Puckle, 2nd Grade Deputy Superintendent, to officiate as Secretary to the Chief Commissioner of Mysore and Coorg during the absence of Major J. A. Campbell.

No. 106*G.*—His Excellency the Viceroy and Governor General in Council has been pleased to confer the title of "Rai Bahadoor" as a personal distinction upon Baboo Issur Chunder Ghosal, late Deputy Magistrate of Santipoor, in consideration of his meritorious service under Government.

The 18th January 1872.

No. 118*G.*—Lieutenant Colonel R. C. Cross, 2nd in Command of the Bhopal Battalion, availed himself, on the 23rd December 1871, of the leave granted to him in the Notification of this Department No. 2350, dated the 5th idem, and Captain G. R. Peart, Adjutant of the Battalion, assumed charge of the office of 2nd in Command on the same date.

The 19th January 1872.

No. 130*G.*—Captain A. F. Taylor, Bengal Staff Corps, and Lieutenant W. Ashfield, Bombay Staff Corps, respectively made over and received charge of the office of Adjutant of the Malwa Bheel Corps on the forenoon of the 25th December 1871.

C. U. AITCHISON,
Secretary to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 17th January 1872.

No. 516.—The appointment of Mr. T. W. Biss, in Notification No. 2789 of the 1st ultimo, to officiate in the 2nd Class of the Financial Department takes effect from the 9th September 1871.

LEAVE AND ALLOWANCES.

The 18th January 1872.

No. 409.—The Governor General in Council is pleased to direct the insertion of the following Rule as No. 3 under Section XXVIII of the Covenanted Civil Service Leave Code :—

If an officer receive an advance of pay in England to enable him to return to duty in India, the advance should be recovered at the rate of exchange fixed for transactions with the Imperial Government at the time it was made.

This rule is general.

No. 508.—The Governor General in Council is pleased to direct the substitution of the words "except under clauses *(b)* and *(c)* of Rule VIII" for the words "except under Rule VIII," in Rule VII of the Rules of the 31st July 1868, for the grant of furlough and leave of absence to Chaplains.

MINT AND CURRENCY.

The 19th January 1872.

No. 494.—The following Statement of the Silver received and coined in the Mints of Calcutta and Bombay in December 1871 is published for general information :—

	CALCUTTA.			BOMBAY.		
	BULLION OR COIN RECEIVED DURING THE MONTH, VALUED IN RUPEES.		Coined and examined during the month, valued in Rupees	BULLION OR COIN RECEIVED DURING THE MONTH, VALUED IN RUPEES.		Coined and examined during the month, valued in Rupees.
	Government.	Merchants.		Government.	Merchants.	
In December 1871	...	15,62,128	7,71,167	.	23,02,735	...

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 15th January 1872.

No. 38 *of* 1872.—The following extract of a Military letter from the Right Hon'ble the Secretary of State for India, No. 309, dated the 6th of December 1871, is published for general information :—

"A Medical Officer, whether he be employed in a Civil or in a Military capacity, is subject to the general rules of the Medical Service as respects superannuation, as laid down in the Despatch No. 172* of 24th April 1861."

* Published in G. G. O. No. 497 of 1861.

No. 39 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon Major Joseph Fayrer, M. D., C. S. I., of the Medical Department (Honorary Physician to Her Majesty), Professor of Surgery, Medical College, Calcutta, and *ex-officio* first Surgeon, College Hospital,—for two years, under the Regulations of 1868.

No. 40 *of* 1872.—The services of Captain G. F. Blowers, of the Bombay Staff Corps, Quarter Master, 13th Regiment Bombay Native Infantry, are placed at the disposal of the Foreign Department.

The 16*th January* 1872.

No. 41 *of* 1872.—The services of Lieutenant W. G. Nicholson, of the Royal Engineers, are placed at the disposal of the Public Works Department.

No. 42 *of* 1872.—The under-mentioned Officer is allowed furlough to Europe on medical certificate :—

Major Henry Richard Bradford, of the Bengal Staff Corps,—for two years, under the Regulations of 1868.

No. 43 *of* 1872.—The following permanent and temporary promotions are made in the Commissioned Grades of the Ordnance Commissariat Department, with effect from the 31st December 1871 :—

Permanent.

Captain J. Stewart, Royal Artillery, Commissary of Ordnance, 2nd Class, and Officiating 1st Class, to be Commissary of Ordnance, 1st Class, *vice* Lieutenant Colonel Griffith, deceased.

Captain C. Hunter, Royal Artillery, Commissary of Ordnance, 3rd Class, and Officiating 2nd Class, to be Commissary of Ordnance, 2nd Class, *vice* Captain Stewart, promoted.

Captain R. F. Lowis, Royal Artillery, Commissary of Ordnance, 3rd Class, *Supernumerary*, to be brought on the permanent strength of the Department, *vice* Captain C. Hunter, promoted.

Temporary.

Major E. Tierney, Royal Artillery, Commissary of Ordnance, 2nd Class, to officiate as Commissary of Ordnance, 1st Class, *vice* Lieutenant Colonel Russell, officiating as Deputy Inspector General of Ordnance.

Captain F. V. Eyre, Royal Artillery, Commissary of Ordnance, 3rd Class, to officiate as Commissary of Ordnance, 2nd Class, *vice* Major Tierney.

No. 44 *of* 1872.—The promotion of Lieutenant Colonel W. Southey,* Madras Staff Corps, to the rank of Colonel by Brevet from the 22nd December 1871, notified in G. G. O. No. 1134 of 1871, is cancelled.

* Died 13th December 1871.

No. 45 *of* 1872.—The under-mentioned Officers of the Bengal Staff Corps, having completed 26 years' service, are promoted to the rank of Lieutenant Colonel, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Majors Browne William Ryall and Edward Dandridge,—14th January 1872.

No. 46 *of* 1872.—The following notification issued by the Financial Department is published for general information :—

SEPARATE REVENUE.

(POST OFFICE.)

The 30*th September* 1871.

No. 4032.—In supersession of the rules published in Financial Notification No. 1865, dated 10th March 1870, the Governor General in Council is pleased to direct the publication of the following revised code of rules for the treatment of official correspondence, the provisions of which will apply to all official correspondence posted in India on and after 1st January 1872.

2. With reference to these rules the Governor General in Council is pleased to prescribe that all charges incurred by public officers for service postage stamps must be supported by the receipt of a Treasury Officer or of some other public officer authorized to retail service stamps, and similarly all charges for postage paid on covers, whether "Service Bearing" or "On Her Majesty's Service," must be supported by the covers with the amount of the charge marked on them under the initial of the Post Master or Deputy Post Master who received the payment.

REVISED CODE OF RULES FOR REGULATING THE TREATMENT OF OFFICIAL CORRESPONDENCE.

A.—PRIVILEGED OFFICES.

(1.) The officials and public offices enumerated in the annexed list will be privileged to send and receive by inland post (without payment of postage) covers *bonâ fide* and exclusively on Her Majesty's Service

On Her Majesty's Service.

To

THE DIRECTOR OF PUBLIC INSTRUCTION,
CALCUTTA.

A. B,
Secretary to Government, Bengal.

On Her Majesty's Service only

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL,
CALCUTTA.

A B,
Director of Public Instruction.

(2.) Each cover posted by a privileged official or office must be endorsed and addressed according to the specimen form given in the margin, under the full signature (autograph or stamp) of the privileged official or of the Superintendent or other principal officer of the privileged office.

(3.) Each cover posted under privilege to the address of a privileged official or office, must be endorsed and addressed according to the specimen form given in the margin.

B.—OFFICES NOT PRIVILEGED.

(4.) Offices not privileged consist of those Government offices which are not included in the list, and do not therefore enjoy the privilege referred to in Rule (1).

(5.) Official covers from offices no privileged and addressed to other than privileged offices, should be prepaid* by service postage stamps purchased at the Government treasury or other local stamp depôt. These stamps, when used in payment of postage, must be supported by the superscription on the cover "On Her Majesty's Service" under the full signature and official designation of the Government (1) officer who sends the cover. The superscription and signature should be entered in the form marginally† given. Service stamps affixed to a cover without the above superscription will not be recognised by the Post Office in payment of postage. Treasury officers are enjoined not to sell service stamps to any but Government officials.

* At the following rates, *viz.*:—

Letter Post		
Not exceeding ½ tola	... .	½ anna.
Not exceeding 1 tola	.. .. .	1 anna.
Not exceeding 2 tolas	.. ..	2 annas
and so on.		
Book Post		
Not exceeding 10 tolas	. . ..	1 anna
Not exceeding 20 tolas	.. . .	2 annas.
and so on		
Banghy Post.		
Not exceeding 10 tolas	.	3 annas
Not exceeding 20 tolas	.	6 annas.
and so on.		
Gazettes.		
Not exceeding 10 tolas	... ...	1 anna each
Not exceeding 20 tolas	... ...	2 annas each.

† Service Labels.

On Her Majesty's Service.

(Here enter address.)

(Signature of sender)
(Official designation.)

(†) This may be either the Head of the Office himself, or the Superintendent, Head Clerk or other responsible officer to whom the duty of despatching is entrusted. The particular officer who signs the cover must enter in full his own official designation in order that his individual responsibility may be enforced in cases of doubt or fraud.

C.—CORRESPONDENCE SUPERSCRIBED "SERVICE BEARING."

(6.) Communications sent by Government officers in their official capacity, which relate nevertheless to the private interests and concerns of the individuals addressed, may be endorsed according to the specimen form given on the margin, under the full signature and official designation of the person by whom they are sent. Covers so addressed will be regarded by the Post Office as private letters, but will be charged on delivery with bearing postage at "forward" (*i. e.*, prepaid) rates, not at double rates. Under this head come replies sent to communications of the kind noted in the margin,‡ as well as any other communications of a like kind which Government officers may make to individuals (whether private persons or Government officers) relating to the private interests of the addressees.

Service Bearing.

To

A B,
CALCUTTA.

C. D.,
Accountant General.

‡ Petitions, applications for appointment, requests for transfer, enquiries about title to leave, &c.

(7.) Communications sent by private persons to Government officials, relating to the affairs of Government and endorsed according to the specimen form given on the margin, under the full signature of the sender (the address including the full official designation of the public office to which the cover is sent), will be charged on delivery at the rate to which they would have been liable if prepaid by stamps. This rule is

Service Bearing

To

THE DISTRICT SUPERINTENDENT OF POLICE,
LUCKNOW.

Signature of sender.

intended to provide for cases of zemindars reporting the occurrence of crime to a police officer, of employers of laborers sending returns required by the Protector, and of any similar reports or returns authorized to be so sent.

(8.) In cases where it is not thought advisable to entrust postage stamps to a subordinate official who has to correspond with, or send returns to, a superior (not being a privileged officer), he may be allowed by his superior to address official covers to him under the above rule, and the same course may be adopted in other cases where it is found convenient or proper to make the postage charge fall on the receiving office.

D.—MISCELLANEOUS.

(9.) Covers sent by an unprivileged office properly superscribed, but without stamps, will be charged with postage on delivery at prepaid rates; and if the stamps affixed be insufficient the deficiency will be charged. Any irregularity or incompleteness of the address or superscription of a cover (whether posted by a privileged or unprivileged office) will render it liable to be treated as an ordinary unpaid cover, any service stamps which it may bear not being recognised.

(10.) Official covers marked for transmission by letter post, book post, or banghy post, will be forwarded and charged accordingly, provided that the maximum weight as per margin is in no case exceeded. The limit of size prescribed for ordinary book packets (1) does not apply to service packets, nor do the rules (1) relative to the mode of packing book packets in covers open at the end, or of packing banghy parcels in waxcloth or tin with seals, &c., apply. But all service covers must be securely packed.

Eight seers (640 tolas) when transmitted along any line of road served by Runners, and in other cases 25 seers (2,000 tolas).

(11.) Official covers (2) not marked for transmission by any particular means, will (except as respects gazettes specially provided for below) be forwarded by letter post if they do not exceed 10 tolas, and by book post if they exceed that limit. Gazettes superscribed as such will be forwarded by letter post.

(12.) Official communications addressed to Government offices "On Her Majesty's Service" or "Service Bearing" under the prescribed superscription and signature, are not liable to additional postage on account of re-direction.

(13.) Government officers are bound to receive and pay any postage (3) which may be due on covers addressed to them under the superscription "On Her Majesty's Service." If the charge of postage results from any irregularity or omission on the part of the sender, his fault should be represented to the proper authority.

(14.) Officers in charge of telegraph offices, when posting telegraph messages for onward transmission by post, are entitled to get receipts for them. Such receipts must be presented ready written in the form ordinarily used by the telegraph offices when delivering telegraph messages to the addressees. The Post Master will compare the receipt so presented with the address of the cover accompanying it, and, if correct, will affix the post office stamp in acknowledgment of receipt. All covers for which receipts are claimed under this rule must be superscribed with the word "Telegram," and must be fully prepaid.

(15.) Government officers when on leave, and those who have retired from the service of Government, can correspond only as private individuals.

E.—OFFICIAL CORRESPONDENCE WITH PLACES ABROAD, OR BETWEEN INDIAN POST OFFICES WHEN CONVEYED BY BRITISH OR FRENCH MAIL PACKETS.

(16.) The rules contained in the preceding sections relate exclusively to official inland correspondence, *i. e.*, correspondence conveyed between one Indian post office and another by Her Majesty's Indian Post.

(17.) Official correspondence with places abroad or between Indian post offices when conveyed by British or French mail packets (*e. g.*, between Calcutta and Madras, or between Bombay and Aden), is governed by the same rules as ordinary private correspondence, and must either be prepaid by service stamps (under the superscription and signature prescribed by Rule 5), or, where prepayment is optional, be forwarded as unpaid, subject to the levy of postage on delivery.

(18.) The only exception to the preceding rule has reference to official letters (not newspapers or book or pattern packets) sent by British packet to or from the public functionaries or departments in London, which have special accounts for overland letter postage with the London Post Office. Official letters intended for such offices need not be prepaid if superscribed as "On Her Majesty's Service" under the full signature and official designation of the sender. The public functionaries or departments in London which have accounts with the London Post Office are Adjutant General's Office, Admiralty, Audit Office, Board of Trade, Chancellor (Lord), Charity Commissioners, Chelsea Hospital, Civil Service Commissioners, Coast Guard Office, Colonial Office, Colonial Land and Emigration Commissioners, Commander-in-Chief's Office, Council Office, Court of Probate, Custom House, East India

House, Foreign Office, Home Office, Inland Revenue Office, Irish Office, Merchant Seamen's Office, Military Secretary, Horse Guards, Ordnance Office, Pay Master General's Office, Poor Law Commissioners, Post Office, Quarter Master General's Office, Science and Art Office, Stationery Office, Tithe Commissioners, The Queen, Treasury, Registrar General's Office, War Office, Woods and Forests Office, Works, Buildings, &c., Office.

List of Officials and Public Offices privileged under Rule (1).

Governor General, including the Private Secretary, the Military Secretary, and their Offices.

Ordinary Members of the Council of the Governor General.

Secretaries to the Government of India and their Offices.

Commander-in-Chief, including his Military Secretary.

Governors of Madras and Bombay, Lieutenant-Governors of Bengal, the North-Western Provinces and the Punjab, Chief Commissioners of the Central Provinces, Oude and British Burmah, including their Private Secretaries and Military Secretaries.

Secretaries to the above-mentioned Governments and Administrations and their Offices.

(1.) The concession of these privileges in respect to service book post packets will render the use of the banghy post for service packets but rarely necessary. No service packet will ever be sent by banghy post unless specially superscribed for transmission by that method (*vide* Rule 11). As the rate of charge by book post is one anna per 10 tolas, and the rate of charge by banghy post is three annas per 10 tolas, it is obviously far more economical to employ the former than the latter.

(2.) Officials are warned against unnecessarily superscribing for transmission by letter post covers exceeding 10 tolas in weight. A comparison of the rates given in the margin of paragraph 4 will show how much the expense of the letter post exceeds that of the book post in respect to heavy packets.

(3.) The postage due on covers delivered either "Service Bearing" or "On Her Majesty's Service," is to be marked on the cover under the initials of the Post Master or Deputy Post Master.

2. With reference to the above, it is hereby notified that the Offices of Adjutant General and Quarter Master General of the three Presidencies are to be included in the privileged List.

The 17*th January* 1872.

No. 47 *of* 1872.—The services of Assistant Surgeon W. M. Courtney are placed at the disposal of the Foreign Department, as a temporary arrangement, with effect from the date on which he assumed medical charge of the Malwa Bheel Corps.

No. 48 *of* 1872.—In modification of G. G. O. No. 549 of the 21st June 1871, it is hereby notified that £22 will in future be the amount to be disbursed in the Bombay Presidency on account of gratuities to Non-Commissioned Officers and Soldiers instead of the sum of £12 previously sanctioned in that order.

The 18*th January* 1872.

No. 49 *of* 1872.—The under-mentioned candidates are admitted into the service as Native Medical Pupils, with effect from the dates noted against their respective names :—

Number.	Names	Date of passing the preliminary examination.	Date of passing the English qualification according to the new test.	REMARKS
294	Seetla Deen	1st November 1871.		
295	Hushmut Ally	1st " "		
	Alexander	1st " "		
	Moomtaz Ally	1st " "		
	Benjamin	1st " "		
	Chedi Lall	1st " "		
300	Shaik Ramjan Bux	1st " "		
	Wahid Ally	1st " "		
	Sheik Nyaz Ally	1st " "		
	Kabeeroodeen	1st " "		
	Fazil Masih	1st " "		
305	Munsubdar Khan	1st " "		
	Raj Bahadoor	1st " "		
	Roghoo Nundun Lall	1st " "		
	Abdool Razag	1st " "		
	Shaik Ausgur Ally	1st " "		
310	Abdool Kareem...	1st " "		
	Dhaman Khan	1st " "		
	Mittun Lall	1st " "		
313	Samuel Wylie	6th " "		

No. 50 *of* 1872.—ERRATUM.—In Government General Orders No. 776 and No. 985 of 1871 :—

10th Bengal Cavalry (Lancers.)

For "Duffadar Gunsunda," read "Duffadar *Gumunda.*" Order books to be corrected accordingly.

No. 51 *of* 1872.—The following extracts from the *London Gazettes* of the 15th and 19th December 1871, pages 5616, 5655, and 5656, are published for general information :—

London Gazette of the 15*th December* 1871, *page* 5616.

WAR OFFICE, PALL MALL,
15*th December* 1871.

Brevet.

The under-mentioned officers, having completed the qualifying service, with the rank of Lieutenant Colonel, to be Colonels :—

Lieutenant Colonel Henry Campbell Johnstone, C. B., Bengal Staff Corps. Dated 31st July 1871.

Lieutenant Colonel Stuart Frederick Graham, Bengal Staff Corps. Dated 4th August 1871.

Lieutenant Colonel R. L. Thompson, Bengal Staff Corps. Dated 26th August 1871.

The under-mentioned promotions to take place in Her Majesty's Indian Military Forces, consequent on the death of Lieutenant General Sir George Inglis Jameson, K. C. S. I., Bombay Infantry, on the 24th October 1871 :—

Major General John Macdonald, Bengal Infantry, to be Lieutenant General. Dated 25th October 1871.

Colonel John Talbot Shakespear, Bengal Staff Corps, to be Major General. Dated 25th October 1871.

London Gazette of the 19*th December* 1871, *page* 5655.

INDIA OFFICE,
16*th December* 1871.

Her Majesty has been pleased to approve of the following admissions to the Staff Corps made by the Governments in India :—

BENGAL STAFF CORPS,—*To be Lieutenants.*

Lieutenant Frederick Alexander Wilson, Royal (Bengal) Artillery. Dated 8th June 1860.

Lieutenant (Local Captain) Arthur L'Estrange Hamilton Holmes, 29th Regiment. Dated 6th November 1860.

Lieutenant Arthur Conolly, Royal (Bengal) Artillery. Dated 8th June 1860.

Lieutenant Vincent Rivaz, Royal (Bengal) Artillery. Dated 8th June 1860.

Lieutenant George Alexander, 76th Regiment. Dated 1st December 1863.

Lieutenant Charles Folliott Powell, 96th Regiment. Dated 22nd March 1864.

Lieutenant John Henry Bourne, 77th Regiment. Dated 30th January 1866.

Lieutenant Jasper Burne, 103rd Regiment. Dated 17th November 1866.

Lieutenant Bradford Smith, 107th Regiment. Dated 6th October 1867.

Lieutenant Sir Charles Henry Leslie, Bart., 107th Regiment. Dated 22nd January 1868.

London Gazette of the 19*th December* 1871, *page* 5656.

Lieutenant Annesley John Garrett, 45th Regiment. Dated 28th October 1861.

Lieutenant Josiah Philip Crampton Neville, 37th Regiment. Dated 4th December 1869.

Ensign Gilbert Gaisford, 96th Regiment. Dated 23rd March 1870.

Ensign Vincent George Lawrence Eyre, 49th Regiment. Dated 25th June 1870.

Ensign Geffery Laurence Eliot, 12th Regiment. Dated 22nd February 1870.

Cornet Edward Francis J. deClanay Rennick, 3rd Hussars. Dated 6th August 1870.

No. 52 *of* 1872.—The undermentioned Officers have reported their return from England :—

Captain J. J. Boswell, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 2nd Punjab Infantry, Punjab Frontier Force,—date of arrival at Bombay, 21st December 1871,—(date of departure on furlough, 22nd December 1869.

Captain A. C. B. Wither, of the General List, Infantry, Executive Engineer, Department Public Works, Central India,—date of arrival at Bombay, 31st December 1871.

Captain C. E. Armstrong, of the Bengal Staff Corps, Judge, Small Cause Court, 3rd grade, Loodianah, Punjab; Lieutenants (Brevet Captains) H. S. Hutchinson, of the Bengal Staff Corps, Assistant Superintendent, Revenue Survey Department, and F. A. Darley, of the Bengal Staff Corps, Quarter Master, 3rd Regiment of Native Infantry; and Captain H. E. Ryves, of the Bengal Staff Corps, 3rd Squadron Officer, 13th Bengal Cavalry (Lancers),—date of arrival at Bombay, 1st January 1872.

Lieutenant Colonel W. N. Lees, of Infantry; Major W. Gordon, of the Bengal Staff Corps, District Superintendent of Police, Bengal; and Captain J. C. Minto, of the Bengal Staff Corps,—date of arrival at Bombay, 4th January 1872.

No. 53 *of* 1872.—The under-mentioned officer is admitted to the Bengal Staff Corps with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Ensign Herbert Anthony Sawyer, of the 2nd Battalion, 12th Foot, 1st Wing Subaltern, 19th (Punjab) Regiment of Native Infantry,—17th August 1870.

No. 54 *of* 1872.—Ensign H. A. Sawyer, of the 2nd Battalion, 12th Foot, 1st Wing Subaltern, 19th (Punjab) Regiment of Native Infantry, admitted to the Bengal Staff Corps in G. G. O. No. 53 of this date, will rank as Lieutenant in that Corps, under the operation of paragraph 84 of G. G. O. No. 332 of 1861, with effect from the 17th August 1870, subject to Her Majesty's approval.

No. 55 *of* 1872.—The following promotion is made in the under-mentioned Corps of the Native Army:—

12th Bengal Cavalry.

Kote 'Duffadar Ulbeyl Singh to be Jemadar, from 24th November 1871, *vice* Chiragdeen Khan, resigned.

No. 56 *of* 1872.—The following promotions are made in the Commissioned Grades of the Army Commissariat Department:—

Permanent.

Lieutenants Colonel W. C. R. Mylne, Deputy Assistant Commissary General, 1st Class, to be Assistant Commissary General, 2nd Class, and S. Chalmers, Deputy Assistant Commissary, 2nd Class, to be Deputy Assistant Commissary General, 1st Class; Lieutenant Colonel (Brevet Colonel) A. Macqueen, Sub-Assistant Commissary General, 1st Class, to be Deputy Assistant Commissary General, 2nd Class; Lieutenant A. R. Badcock, Sub-Assistant Commissary General, 2nd Class, to be Sub-Assistant Commissary General, 1st Class, and Captain F. H. Thomas, Sub-Assistant Commissary General, 3rd Class, to be Sub-Assistant Commissary General, 2nd Class,—with effect from 27th November 1871, in succession to Lieutenant Colonel J. Leven, Assistant Commissary General, 2nd Class, retired.

Lieutenant Colonel J. Keer, Deputy Assistant Commissary General, 1st Class, to be Assistant Commissary General, 2nd Class; Majors C. S. Lane, Deputy Assistant Commissary General, 2nd Class, to be Deputy Assistant Commissary General, 1st Class, and J. V. Hunt, Sub-Assistant Commissary General, 1st Class, to be Deputy Assistant Commissary General, 2nd Class; Captains N. F. Parker, Sub-Assistant Commissary General, 2nd Class, to be Sub-Assistant Commissary General, 1st Class, and C. Case, Sub-Assistant Commissary General, 3rd Class, to be Sub-Assistant Commissary General, 2nd Class,—with effect from the 4th December 1871, in succession to Lieutenant Colonel J. R. A. S. Lowe, Assistant Commissary General, 2nd Class, cashiered.

The 19th January 1872.

No. 57 *of* 1872.—The under-mentioned officers are permitted to proceed to Europe on furlough on private affairs:—

Lieutenant Colonel (Brevet Colonel) Evelyn Bradford, of the Bengal Staff Corps,—for two years, under the Regulations of 1868.

Lieutenant Colonel Rowley Sale Hill, of Infantry, Wing Officer, 1st Goorkha Regiment (Light Infantry),—for two years, under the Regulations of 1868.

Lieutenant Colonel Alexander Irvine, of the Bengal Staff Corps,—for two years, under the Regulations of 1868, embarking at Bombay.

Lieutenant Colonel James Creighten Wood, of the Bengal Staff Corps, Deputy Commissioner, Mundla, Central Provinces,—for two years, under the Regulations of 1868, embarking at Bombay.

Major Henry Roche Osborn, of the Bengal Staff Corps, 2nd in Command and Squadron Officer, 5th Bengal Cavalry,—for two years, under the Regulations of 1868.

No. 58 *of* 1872.—Surgeon Major Henry Nathaniel Elton, of the Medical Department, Medical Store-keeper, Sealkote, is permitted to retire from the service on a pension of £456 per annum from the 1st March 1872.

No. 59 *of* 1872.—The following order issued by the Government of Bombay is confirmed :—

No. 871, *dated* 27*th December* 1871.—Granting furlough to Europe on medical certificate to the under-mentioned officer :—

Lieutenant Colonel Robert Cogan Cross, of the Bengal Staff Corps, 2nd in Command, Bhopaul Battalion,—for two years, under the Regulations of 1868.

H. K. BURNE, *Colonel,*

Secretary to the Govt. of India.

NOTIFICATION.

MILITARY DEPARTMENT.

Calcutta, the 18*th January* 1872.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officers, on the dates specified, were received in the Military Department during the Month of December 1871 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.
11th Hussars	Lieutenant W. S. Lillingston.	Oct. 15, 1871	Chuckrata.	
36th Foot	(a) Quarter Master J. Bryant.	Dec. 2, „	Rawul Pindee	Testate.
Ordnance Department	Honorary Major J. Leonard.	„ 17, „	Calcutta.	
Royal Artillery	Lieutenant Colonel J. C. Griffith.	„ 30, „	Ferozepore.	

(a) Widow, Mrs. F Bryant, Rawul Pindee, administering.

H. K. BURNE, *Colonel,*

Secretary to the Govt. of India.

Calcutta, the 18th January 1872.

Notice is hereby given, that the amounts on account of the Estates of deceased European Commissioned Officers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice :—

STATEMENT of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned Officers of Her Majesty's British Military Service during the Month of December 1871.

Date of Deposit.	On whose account.	Rank	Corps.	General Number.	Date of Decease	Testate or Intestate	Amount of Moneys accruing from the adjustment of Estates	Amount of Donation Batta due to Estates	Total unclaimed Amount deposited	How disposed of: Amount paid in India	Amount retained in India	Amount remitted for payment in England. In Co's Rupees	Equivalent in sterling	Rate of Exchange.
							Rs. A. P.		Rs. A. P	Rs A. P.				
	Commissioned Officers.													
2nd Dec. 1871	*a* Robert Power Saunders	Captain ...	Royal Horse Artillery	...	July 29, 1871	Testate	1,336 10 3		1,336 10 3					
11th „ „	*b* Charles Bell ..	Lieutenant	F-16th Brigade, Royal Artillery.		Sept. 20, 1871	Intestate	1,800 5 6		1,800 5 6	*c*12 10 6				
						TOTAL...	3,136 15 9		3,136 15 9	12 10 6				

(*a*) Widow, Mrs Mary Rosamund Saunders; Children, William Power, Arthur Bertram; Administrator General administering.

(*b*) Mother, Mrs. Janet Bell, Woolsington, Newcastle-on-Tyne; Administrator General administering.

(*c*) Remitted to Lieutenant Colonel Angelo, President, Committee of Adjustment, on the 14th December 1871; Administrator General administering.

STATEMENT of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned Officers of Her Majesty's Indian Military Service during the Month of December 1871.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of Moneys accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in sterling.	
	Commissioned Officers.						Rs. A. P.		Rs. A. P.					
2nd Dec. 1871	(*a*) Frederick Mills Malet Harris.	Captain ...	General List of Infy.	...	Aug. 21, 1871	Intestate	467 4 5	...	467 4 5					
12th " "	(*b*) David John Walsh ...	Asst. Surgeon	Medical Establishment	..	" 20, 1871	"	1,660 12 9	.	1,660 12 9	.				
						TOTAL...	2,128 1 2		2,128 1 2					

(*a*) Widow, Mrs. Annie Harriet Harris; Child, Maud Isabel; Administrator General administering.

(*b*) Widow, Mrs. Louisa Josephine Walsh, St. Vincent's Asylum, Fair View, Dublin; Administrator General administering.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 12th January 1872.

No. 29.—With reference to Notification No. 442, dated the 14th November 1871—

Mr. R. B. Duncan, Deputy Controller of Public Works Accounts, assumed charge of the Accounts of the Rajpootana Railway on the 9th December 1871.

Mr. J. W. Fordham, Deputy Controller of Public Works Accounts, assumed charge of the Accounts of the Indore Railway and of the Neemuch Railway Survey, on the 23rd December 1871.

The under-mentioned Accountants, who are employed on the Accounts of the Indore Railway and the Neemuch Railway Survey, hitherto under the orders of the Governor General's Agent for Central India, are transferred to the Establishments under the orders of the Government of India :—

Mr. E. Lacey, Accountant, 2nd Grade.
„ J. W. Wilson, Accountant, 3rd Grade.
Baboo Jadunath Banerjee, Accountant, 3rd Grade.
„ Nilmoney Seal, Accountant, 4th Grade.
„ Girdharee Lall, Accountant, 4th Grade.
Mr. G. J. S. Madge, Accountant, 4th Grade, on probation.

The 13th January 1872.

No. 30.—Mr. R. G. Macdonald, Auditor, Oudh and Rohilkhund Railway Accounts, held charge of the Office of the Controller of Public Works Accounts, Oudh, from the 24th November to the 7th December 1871, both days inclusive.

The 15th January 1872.

No. 31.—Baboo Khetter Nauth Chatterjee, Assistant Engineer, 1st Grade, officiated as Executive Engineer of the Southern Division, Agra and Bombay Road, from 6th November to 31st December 1871.

No. 32.—The promotion of Mr. W. G. Bayly, B.A., to the rank of Deputy Controller of Public Works Accounts, published in Notification No. 458, dated the 7th ultimo, has retrospective effect from the 23rd November 1871.

The 17th January 1872.

No. 33.—Mr. S. Geoghegan is appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, and posted to the Punjab Northern (State) Railway, with effect from 9th December 1871.

No. 34.—Mr. A. Percy, Accountant, 4th Grade, Rajpootana, is transferred to Bengal.

No. 35.—Baboo Shunker Lall, Clerk, Ajmere Road Division, is appointed an Accountant of the 4th Grade, on probation, and posted to Rajpootana.

The 18th January 1872.

No. 36.—Mr. E. O. V. Haldane is appointed to the Public Works Department temporarily as an Assistant Engineer of the 1st Grade, and posted to Hyderabad.

No. 37.—Mr. B. W. Blood, Assistant Engineer, 1st Grade, Agra District, Rajpootana (State) Railway, passed the examination in the native languages according to the Departmental Standard on the 23rd December last.

The 19th January 1872.

No. 38.—Mr. G. E. Moore is appointed to the Public Works Department temporarily as an Assistant Engineer of the 1st Grade, and posted to the Indore (State) Railway.

No. 39.—The following is published for information and guidance in the Public Works Department:—

No. 699, dated Fort William, the 16th November 1871.

From—COLONEL B. E. BACON, *Offg. Secy. to the Govt. of India, Military Dept.*,

To—*The Controller of Military Accounts.*

In reply to your letter No. 349H, dated 17th June last, I am directed to acquaint you that the Right Hon'ble the Secretary of State has decided that officers of the Royal Engineers, who hold permanent staff appointments not of a regimental nature, and who may desire to take leave to England under circumstances which by the furlough rules of 1868 involve forfeiture of appointment, cannot obtain furlough under those rules. They must, therefore, obtain the leave, if at all, just as any other officer of Her Majesty's British troops holding no staff appointment.

2. But the principle laid down in Government General Order No. 22, dated 6th January 1870 (without the addendum notified in Government General Order No. 54 of 1871), and in paragraph 2 of Government General Order No. 627, dated 17th June 1870, is applicable to such officers; the three years' service required being reckoned, in the case of those who are completing their first tour of service in India, from the date of their reporting their arrival in this country.

C. H. DICKENS, *Colonel, R.A.*,
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 20, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

MONEY ORDER OFFICE.

NOTIFICATION.

Calcutta, the 18th January 1872.

A new Money Order Office will be opened at Bettiah, a Sub-Division of the Chumparun District, in the Lower Provinces of Bengal, on the 15th proximo.

HUGH SANDEMAN,
Offg. Comptroller General.

GREAT TRIGONOMETRICAL SURVEY OF INDIA.

NOTIFICATION.

Dehra Doon, the 8th January 1872.

No. 1.—Mr. Geo. Anding, Assistant Surveyor, 1st Grade, is granted leave of absence on medical certificate for three months, commencing from 1st December 1871, in extension of the leave granted to him in Notification No. 26, dated 24th July 1871.

T. G. MONTGOMERIE, *Major, R.E.,*
Offg. Supdt., G. T. Survey of India.

TOPOGRAPHICAL SURVEY DEPARTMENT.

NOTIFICATION.

Calcutta, the 11th January 1872.

The privilege leave granted to Mr. J. F. Baness, Surveyor, 1st Grade, attached to the Head Quarter Office, in Notification dated the 14th ultimo, ceased this day, from which he resumed his duties.

H. L. THUILLIER, *Colonel,*
Surveyor General of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 15th January 1872.

No. 17.—Mr. W. B. Melville, an Assistant Superintendent of the 4th Grade, obtained ten days' privilege leave, under paragraph 16 of the Uncovenanted Service Absentee Rules, with effect from the 21st December 1871.

R. MURRAY, *Lieut. Colonel,*
Offg. Dir. Genl. of Tels. in India.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.

Admitted claims against the under-mentioned estates are payable on Tuesday and Friday, as usual :—

ESTATES.	Claims or Dividend.	Rates of Dividend per Rupee.
Caldecot, C., Captain, late in Her Majesty's 106th Light Infantry ...	1st Dividend ...	At 1 a. 5½ pie.
Eames, W. L., Staff Assistant Surgeon, late attached to G Battery, 16th Brigade, R.A.	Ditto ...	At 5 as. 10¾ pie.
Hormusjee Kaikhoosroo, late a Parsee Merchant of Jullunder ...	Ditto ...	At 8 as.
* O'Connell, M. J., Major, late in the 2nd Battalion, Her Majesty's 1st Foot	Claims ...	In full.
Sullivan, M. M., late Overseer in the Municipal Department at Comillah in Tipperah	1st Dividend ...	At 13 as. 10¾ pie.
Terry, J. W., late a Master Pilot on the Free List	Ditto ...	At 11½ pie.
* Stewart, W., late a Fitter in the East India Railway Company ...	Claims ...	In full.
* Williams, R., late Manager of the Upper Assam Tea Company's Saw Mills, Debrooghur, Assam	Ditto ...	Ditto.

N. B.—Persons interested in the surplus of the estates marked * are requested to make immediate application to the Administrator General, forwarding documentary evidence of their claims.

Persons presenting receipts for payment are requested at the same time to produce the registry certificates which have been granted to them from this Office.

CALCUTTA;
4, STRAND,
The 11th January 1872.

L. P. D. BROUGHTON,
Administrator General.

Statement of Transactions of District Savings Banks for the week ending 18th January 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	76	7,067 1 5	21	1,519 9 8	21 13 1	1,73,245 4 10
N. W. Provinces ...	12	11	782 0 1	8	1,415 7 0	12 1 3	62,841 7 9
Punjab	13	16	2,584 12 0	8	1,321 4 0	16 7 0	39,395 2 11
Oude	3	5	90 0 0	3	1,085 0 0	...	19,489 5 11
Central Provinces ...	4	7	665 0 0	3	195 0 0	...	35,742 7 6
British Burmah ...	5	...	...	..	...	...	8,249 3 11
Berar	2	2	45 0 0	...	...	...	7,853 7 1
India	3	...		.		...	16,217 15 9
TOTAL ...	87	117	11,233 13 6	43	5,536 4 8	50 5 4	3,63,034 7 8

CALCUTTA,
The 18th January 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal as at 30th December 1871.

LIABILITIES.		Rs. A. P.
Proprietors' Capital, paid-up ...		2,20,00,000 0 0
Reserve Fund		15,41,089 7 0
	Rs. A. P.	
General Treasury Balance at Head Office	3,39,77,673 9 6	5,29,49,666 13 0
General Treasury Balance at Branches ..	1,89,71,993 3 6	
Other Deposits at Head Office and Branches		1,94,85,074 4 11
Bank Post Bills, &c.		2,71,187 0 6
Sundries		11,98,260 13 0
TOTAL ...		9,74,45,278 6 5

ASSETS.		Rs. A. P.
Government Securities ...		1,01,38,973 4 0
Loans on Government Securities at Head Office and Branches ...		1,12,55,733 12 11
Accounts of Credit on Government Securities at Head Office and Branches		1,68,30,721 6 7
Mercantile Bills discounted at Head Office and Branches ...		1,75,45,464 2 4
Dead Stock		11,81,655 14 4
Stamps		13,230 3 0
Balances with other Banks ...		9,69,427 3 5
Sundries		2,75,333 2 6
		5,82,10,539 1 1
	Rs. A. P.	
Cash and Currency Notes at Head Office	1,13,70,239 13 7	3,92,34,739 5 4
Cash and Currency Notes at Branches	2,78,64,499 7 9	
TOTAL ...		9,74,45,278 6 5

By order of the Directors,

BANK OF BENGAL;
Calcutta, 18th January 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 19th January 1872.

No. 212.—Mails for Gopaulpore, Bimlipatam, Vizagapatam, Cocanada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Allepey, Cochin, Beypore, Calicut, Tellicherry, Cannanore, Mangalore, Carwar and Bombay, for transmission per Steamer *Mahratta*, will be closed at this Office on Monday, the 22nd January 1872, at 6 P. M.

No. 213.—Mails for France, Foreign Europe *viâ* France, the intermediate Ports, Mauritius and China, for transmission per French Mail Steamer *Meinam,* will be closed at this Office on Monday, the 22nd January 1872, at 6 P. M.

No. 215.—Mails for Akyab, Rangoon and Moulmein, for transmission per Steamer *Busheer,* will be closed at this Office on Wednesday, the 24th January 1872, at 6 P. M.

No. 216.—The next Overland Mail *viâ* Bombay, will close on Friday, the 26th January 1872.

2. Book post and pattern packets must be posted on the 25th.

N. B.—The Letter Box will close at 7 P. M precisely, after which hour overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P M., or, bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

The 15*th January* 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office, during the week ending 13*th January* 1872.

Bell, W. E.
Beverley, Mrs. W. G.
Belletty, N.
Brooks, A. H.
Browne, J. J.
Beddoe, G.
Bramble, C.

Chatelier, E.
Cunningham, F. E.
Campbell, A. C.
Call, J.
Cadel, R.
Carlisle, Capt. J. F.

DuBordread, C.
Dunsford, R. C.
Dyer, J.
DePenning, Mrs. D. M
Danzelle, W.
Dondan, T.
Davidson, J. T.
Dollman, C. A.
DeCruze, H. St. G.
Drury, H.
Dodgson, Colonel.

Ewington, Dr. W. F.
Elias, Mrs. C.

Fernandes, Mrs. W.
Frances, Mrs E.
Fairweather, Mrs. E. J.
Forbes, Sir C. & Co.
Frabelonnere, Dr.

Grieves, Capt. H.
Grey, A. J. S.
Gilbert, Esq.
Grant, Mrs.
Gilbert, W. B.
Grey, R. E.
Gomes, Mrs. M.

Hinde, T. M.
Hadding, Mrs. G. C.

Jones, Mrs. A.
Jackson, Dr.
Johnson, J.
Johnson, Col. A. C.

Keelan, C.
Khunnah, J. N.
Keating, Mrs.
King, J. A.

Lawrie, A.
Leadon, R. H.
Lawson, R.

McNamara, J. E.
McRae, A.
Mackenzie, W. L.
Moss, G. B.
Morston, J C.
McNaught, Mrs.
Mackenzie, Sergt B.
Matthinson, R.

Nefatollah.
North, Mrs. J. L.
Nanrus, S.
Nil Money Day & Co.
Northon, H. H. G.

Oman, J. C.
Perry, N. C.
Paterson, Mrs. J.
Peel, N.
Pushong, H. A.
Potts, J. W.

Robertson, Capt. R. D.
Ropelet & Co.
Ronald, Mrs.
Robertson, R. W.

Smith, Mrs. R.
Salisbery, Maj.-Genl. F. O.
Smythe, S. A.
Schaumberg, J.
Spaulding, Mrs.
Satcoury Dutt.
Simson, H. B.
Snead, J.

Thomas, C.
Taylor, G. B.
Thomas, M. G.
Townsend, E.
The Manager, Adelphi Press.

Urquhart, Sergeant R.

Vanrenen, A.
Verrier, C.

White, G. A.
Whight, Mrs.
Wade, Mrs. R. V.
Waterhouse, Capt. J.
Walsh, H. G.
Walters, W. H.
Williams, Mrs. E. J.

W. H. McGOWAN,

Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 20, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

In the matter of the (English) Companies' Acts, 1862 and 1867, and in the matter of the Life Assurance Companies' Act, 1870, and in the matter of the European Assurance Company.

Whereas by an order made by the Vice-Chancellor Malins in the above matter, dated the 17th day of November 1871, Charles John Bunyon, of No. 19, Serjeant's Inn, Fleet Street, in the City of London, William Pollard Pattison, of No. 20, Cornhill, in the City of London, and Stephen Philpot Low, of No. 55, Parliament Street, in the County of Middlesex, were appointed Provisional Official Liquidators of the said Company, and empowered (amongst other things), to receive premiums on any Policies of Assurance of the said Company, and to carry the same to a separate account, to continue to carry on the business of the said Company so far as is necessary for keeping it together, and to collect and get in the outstanding assets of the Company, and for all or any of such purposes to do all acts and execute in the name and on behalf of the Company all deeds, receipts, and other documents.

Notice is hereby given, that all persons in British India indebted to or in possession of property or effects belonging to the said Company, are required forthwith to pay and deliver the same to Charles James Groom, and William Joseph Curtoys, carrying on business in co-partnership together in Calcutta under the firm or style of Grindlay and Company, and at Bombay, in the name or firm of Grindlay, Groom and Company, the joint and several constituted Attorneys of the said Provisional Official Liquidators, and of the said Company appointed with the approval of the Court.

The Calcutta business of the said Company will, until further notice, be carried on at the office of Messrs. Grindlay and Company, No. 6, Strand, Calcutta, where premiums on Policies of Assurance granted by the Company, will be received and carried to a separate account, and where persons desiring information as to the Company are requested to apply.

Dated the 5th day of January 1872.

C. J. BUNYON,
W. P. PATTISON,
S. P. LOW.

By their Attorney,
W. J. CURTOYS.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Thirty-fourth Annual General Meeting of Subscribers to the above Institution will be held in the Town Hall on Saturday, the 27th January 1872, at 3 P. M., to receive the report of the Directors and to consider such matters as may then be submitted.

By order of the Directors,
GEO. W. KELLNER,
Secretary.

U. S. F. P. FUND OFFICE;
CALCUTTA,
The 16th December 1871..

Notice.

I, Henry William Johnson, have this day made over my right, title, and interests in the business of E. Morrison & Co., to Mr. E. Morrison.

H. W. JOHNSON.

In reference to the above notice, I, Edward Morrison, have this day taken over the entire business of E. Morrison & Co., under which style it will be continued, and to whom all debts are to be paid.

E. MORRISON.

NYNEE TAL,
The 12th January 1872.

Notice.

This is to give notice that the Partnership hitherto subsisting between the undersigned, Charles Scott and William Scott (trading in England and India under the style and firm of Charles and William Scott & Co.,) hath this day been dissolved by mutual consent so far as the said trade relates to India.

Dated this twenty-second of December one thousand eight hundred and seventy-one.

CHARLES SCOTT.
WILLIAM SCOTT.

Witness to the signatures of Charles Scott and William Scott.

WALTER B. JAMES,
23, *Ely Place, London,*
Solicitor.

In the Court of the Judge of the District of Bhaugulpore.

CITATION.

UNDER SECTION 250, ACT X OF 1865.

In the matter of the Estate of Charles Paterson, deceased. } Whereas an application, under the Indian Succession Act, 1865, for letters of administration to the Estate of Charles Paterson, late of Sugrampore, in the district of Bhaugulpore, has been made by his widow, Charlotte Paterson, of Sooltangunj, through her pleader Mr. Joseph Dacosta, and whereas the 17th day of February of the current year (1872) has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the Estate of the said deceased may, if he desire, appear in this Court on the said 17th day of February 1872, and show cause why the application of the said Charlotte Paterson should not be granted.

Given under my hand and seal of this Court this the 12th day of January in the year of our Lord one thousand eight hundred and seventy-two.

H. MADOCKS,
Judge.

PROMISSORY NOTES.

Lost.

Government Security No. $\frac{003439}{000968}$ of 5½ per cent. of 1859-60, for Rs. 5,000.

RUJJUB ALLI, FOR FATTEHMA KHATOON.

Government Promissory Notes of 3½ per cent. loan, Nos. 490 and 491 of 1853-54, for Rs. 10,000 each, and No. 492 of 1853-54 for Rs. 3,000.

SHAMA SHOONDORY.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4465	$\frac{A}{97}$04961	10	Ganoha Nowjee.
4471	$\frac{A}{00}$21879	100	Baboo Kongo Lal Banerjee.
497	$\frac{A}{30}$25739	100	Mr. Woods.
	Notes partially lost or destroyed.		
		Rs.	
4458	$\frac{A}{83}$61927	50	The Revd. J. Lawrence.
	$\frac{A}{83}$58857	50	
	$\frac{A}{83}$66883	50	
	$\frac{A}{83}$55184	50	
	$\frac{A}{83}$21914	50	
	$\frac{A}{83}$19975	50	
	$\frac{A}{83}$40232	50	
	$\frac{A}{83}$65484	50	
	$\frac{A}{63}$59128	50	
4459	$\frac{A}{86}$71294	1,000	Abdoollah Khan.
4460	$\frac{A}{49}$08070, $\frac{A}{49}$11113 wrongly joined	10	The Chief Pay Master, East Indian Railway.
	$\frac{A}{93}$37214, $\frac{A}{93}$37414 ditto...	20	
4461	$\frac{A}{9}$17793	20	E. Palmer, Esq.
4462	$\frac{A}{91}$47230, $\frac{A}{91}$47231 wrongly joined	10	B. S. Collens, Esq.
4463	$\frac{A}{89}$35376, $\frac{A}{67}$96770 ditto...	10	Baboo Brojonath Pyne.
4464	$\frac{A}{94}$81207	20	Baboo Grishchunder Banerjee.
4466	$\frac{A}{93}$08182, $\frac{A}{93}$08183 wrongly joined	20	Messrs. Williamson Brothers and Co.
	$\frac{A}{41}$92104, $\frac{A}{41}$92106 ditto...	10	
4467	$\frac{A}{97}$48876	10	Baboo Kissory Mohun Bose.
4468	$\frac{A}{81}$51385	10	Baboo Denonath Mondole.
4469	$\frac{A}{99}$73055	10	Baboo Kistochunder Roy.
4470	$\frac{A}{8}$34934	10	Messrs. Dins, Law and Co.
3416	$\frac{A}{67}$93728	10	Baboo Teetooram Naug.
	$\frac{A}{67}$47539	10	

PAPER CURRENCY OFFICE;
CALCUTTA,
The 18th January 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
1871-72.		Rs.	
81 ...	C/65 45372 ...	50 ..	Mr. Nicolson Lee, Assistant Station Master, Sholapore.
	C/65 15614 ...	50 ...	
82 ...	C/75 79566 .	10	Gunoba Nowjee, 2nd Clerk, Commissariat Office, Ahmednuggur.
	C/75 28661 ...	10 ...	
	Notes partially lost or destroyed.		
1871-72.		Rs.	
A/94 ...	C/67 14949 wrongly joined C/67 14946	20 ...	Lieutenant L. A. McCudden, 19th Regiment N. I., Marine Lines, Bombay.

PAPER CURRENCY OFFICE;
BOMBAY,
The 10th January 1872.

A. R. GORDON,
Assistant Commissioner.

KURRACHEE CIRCLE.

NO. OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.	
	Rs.	
G/8 01131 ...	10 ...	Govindram, School Master, Anglo-Vernacular School, Kotree.

PAPER CURRENCY OFFICE;
KURRACHEE,
The 3rd January 1872.

W. A. INGLE,
Assistant Deputy Commissioner, P. C., S. C.

MADRAS CIRCLE.

NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.	
	Rs.	
B/80 78735 ...	10 ...	Lutchiminarasimma Charry, Amin, Small Cause Court, Cuddalore.
B/82 69315 ...	20 ..	
B/80 11273 ...	20 ...	
B/80 12085 ...	20 ...	
B/74 76203 ..	50 ...	
B/74 76204 ...	50 ...	
B/74 76205 ...	50 ...	
B/74 76206 ...	50 ...	
B/85 96343 ...	100 .	
	Notes partially lost or destroyed.	
	Rs.	
B/19 85528 wrongly joined B/19 85527	10 ...	P. L. S. Vellieppa Chetty, Coral Merchant Street, Madras.

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 8th January 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department.

NAGPORE CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Note wholly lost or destroyed.
$\frac{F}{V}$38413 ...	Rs. 50 ...	Mr. E. Chambers, Nagpore.
		Note partially lost or destroyed.
$\frac{F}{V}$39541 ...	Rs. 50 ...	Sadashiva Rangnath, Deputy Clerk of Court, Bhandara.

PAPER CURRENCY OFFICE;
NAGPORE,
The 9th January 1872.

GEORGE BAGLEY,
Asst. Depy. Acctt. Genl., Central Provinces,
In charge of Currency.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 20, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd January 1872, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 1 OF 1872.

A Bill to consolidate and amend the Law relating to the Courts in British Burma.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in British Burma; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Burma Courts Act, 1872:"

Extent.

It extends to all the territories subject to the Chief Commissioner of British Burma;

Commencement.

and shall come into force on the date of the passing thereof.

Pending suits to be disposed of by Courts in which instituted.

2. All suits, appeals, applications or proceedings instituted previous to such date in any Court, except those of the Chief Commissioner and the Recorders of Rangoon and Maulmain, shall be heard and disposed of by the Courts in which they were instituted.

Transfer of suits pending in Courts of Chief Commissioner and Recorder.

3. All suits, appeals, applications or proceedings pending in the Court of the Chief Commissioner, shall be transferred to the Court of the Judicial Commissioner, those pending in the Court of the Recorder of Rangoon shall be transferred to the Court of the Judge of Rangoon; and those pending in the Court of the Recorder of Maulmain shall be transferred to the Court of the Judge of the Town of Maulmain, or, if the subject-matter thereof be beyond his jurisdiction, to the Court which has jurisdiction under this Act.

Repeal of Acts.

4. The Acts mentioned in the schedule hereto annexed are hereby repealed, except as to the suits, appeals, applications and proceedings mentioned in section two, but not so as to affect the operation of any Act extended to British Burma by any of the said Acts.

CHAPTER II.

LAWS TO BE ADMINISTERED.

Certain decisions to be according to Native law.

5. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Buddhist law, where the parties are Buddhists, the Muhammadan law in cases where the parties are

Muhammadans, and the Hindú law in cases where the parties are Hindús, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom having the force of law prevailing in British Burma.

In cases not provided for by the former part of this section or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

CHAPTER III.

GRADES AND JURISDICTION OF COURTS.

Grades of Courts.

6. The Courts mentioned in the first column of the subjoined table shall ordinarily have such criminal jurisdiction as is specified in the second column thereof, and such civil jurisdiction in the adjudication of suits arising within their local jurisdiction as is specified in the third column thereof:

Name of Presiding Officer.	Criminal Jurisdiction.	Civil Jurisdiction.
(1.) The Extra Assistant Commissioner of the third class.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees five hundred.
(2.) The Extra Assistant Commissioner of the second and first class, and the Assistant Commissioner.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees three thousand.
(3.) The Town Magistrate.	The full powers of a Magistrate.	None.
(4.) The Judge of the Court of Small Causes at Rangoon.	None.	Powers of a Court of Small Causes, where the suit is of a nature cognizable by a Court of Small Causes, and the amount or value of its subject-matter does not exceed rupees one thousand.
(5.) The Deputy Commissioner.	The full powers of the Magistrate of the District.	Powers of a Civil Court in all suits, whatever be the value or the amount of the subject matter of the suit. Powers of a District Judge. Power to hear Appeals from decrees and orders of the Courts of the first and second grades, where such Appeal is allowed by law. Power to direct the business in the Courts of the first and second grades to be distributed among such Courts in such way as he shall think fit.
(6.) The Judge of the Town of Moulmein.	Powers of a Sessions Judge	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value does not exceed rupees one thousand.
(7.) The Commissioner	Powers of a Sessions Judge	Power to withdraw any suit or appeal instituted in any Court within his jurisdiction, except a Court of Small Causes, and try such suit or appeal himself or refer it for trial to any Subordinate Court of competent jurisdiction. Power to hear appeals from decrees and orders of the Court of the fifth grade, where such appeal is allowed by law.
(8.) The Judicial Commissioner.	Powers of a Sudder Court	Powers of a High Court. Power to remove and try any suit or appeal instituted in any Subordinate Court. Power to hear appeals from decrees and orders of the Courts of the Commissioner where such appeal is allowed by law.

Chief Commissioner may give special jurisdiction.

7. The Chief Commissioner may invest any Assistant Commissioner or Extra Assistant Commissioner of the first or second class with power to try suits of which the amount or value does not exceed 5,000 rupees.

Chief Commissioner may create Courts of Small Causes.

8. The Chief Commissioner may invest the presiding officer of any Court of the second grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed one hundred rupees, and the presiding officer of any Court of the fifth grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed five hundred rupees.

Chief Commissioner may transfer appellate jurisdiction to Judicial Commissioner.

9. The Chief Commissioner may direct that the appellate jurisdiction of any Commissioner shall vest in the Judicial Commissioner.

Abolition of certain Courts.

10. From the date of the passing of this Act the Courts of the Chief Commissioner and of the Recorders of Rangoon and Maulmain and of the Cantonment Magistrate of Rangoon shall cease to exist.

Power to fix number of Courts.

11. The Governor General in Council shall fix, and may from time to time vary, the number of Courts of each grade to be established under this Act.

Appointment of officers.

12. The presiding officers of all the Courts except those of the first grade shall be appointed by the Governor General in Council.

The Extra Assistant Commissioners of the third class shall be appointed by the Chief Commissioner.

Suspension and removal of presiding officers.

13. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

The presiding officer of any Court except the Judicial Commissioner and the Judge of Rangoon may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

The presiding officer of any Court of the first grade may, for any misconduct, be suspended or removed by the Chief Commissioner.

Appointment of ministerial officers of Courts of first and second grades.

14. The ministerial officers of the Courts of the first and second grades shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate. The ministerial officers of all other Courts subordinate to the Judicial Commissioner shall be appointed by the presiding officers thereof; provided that the appointment of a ministerial officer whose monthly salary exceeds fifty rupees shall be subject to the sanction of the Judicial Commissioner.

Power to fine, suspend or remove such officers.

15. Every Court of the first and second grades may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office.

The Deputy Commissioner, subject only to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order, and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of any Court subordinate to him.

The presiding officers of all other Courts subordinate to the Judicial Commissioner may remove or suspend the ministerial officers of their respective Courts, or fine them in an amount not exceeding one month's salary, but every such removal or suspension made by a Commissioner or Deputy Commissioner shall be subject to the general control of the Judicial Commissioner.

Recovery of fines.

16. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Saving of general control of Chief Commissioner over appointments and removals of ministerial officers.

17. Nothing in this Chapter shall be deemed to bar the general control of the Chief Commissioner over all appointments and removals of ministerial officers under this Act.

Superintendence over Courts.

18. The general superintendence over all the Courts mentioned in section six is vested in the Judicial Commissioner, whose Court shall be deemed the highest Civil Court of appeal; and, subject to such general superintendence, the Commissioner shall have control over the Courts of the Deputy Commissioners within his Division: and the Deputy Commissioner over all the Courts of the first and second grades within his district.

Confirmation of existing Courts and presiding officers.

19. All existing Courts of the grades mentioned in section six, and the presiding officers thereof, shall be deemed to have been respectively established and appointed under this Act.

20. Every Court under this Act shall—

Seal to be used.

(1) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner;

Place for holding Court.

(2) be held at such place or places as may from time to time be directed by the Chief Commissioner; or, in the absence of any such direction, at any place within the local jurisdiction of the Court which the presiding officer may think fit.

Officers specially empowered may exercise powers within local jurisdiction of other Courts.

21. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Chief Commissioner to fix local jurisdiction of Courts.

22. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, fix, and may with the like sanction from time to time vary, the local limits of the jurisdiction of any Court under this Act.

Existing local jurisdiction preserved.

23. The present local limits of the jurisdiction of every Court with the exception of that of the Chief Commissioner and those of the Recorder of Rangoon and Maulmain and the Cantonment Magistrate of Rangoon shall be deemed to be fixed under this Act.

Presiding officer of Court not to try suit or appeal in which he is interested.

24. No presiding officer of any Court shall, unless with the consent of the parties or the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any

appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

Mode of disposing of such suit.

When any such suit, appeal or proceeding comes before any such presiding officer, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

The superior Court shall thereupon try the case itself, or transfer it for trial to any Subordinate Court of competent jurisdiction.

In the event of an appeal being preferred to a Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judicial Commissioner to try the case himself or transfer it to the Court of the Judge of Rangoon.

Procedure, when subject-matter of suit is situate within jurisdiction of different Courts.

25. Where a suit is brought for immoveable property situate within the local jurisdiction of different Courts, included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

If the Courts belong to different Divisions, the application shall be made to the Judicial Commissioner through the Commissioner of the Division in which the Court wherein the suit was instituted is included.

List of holidays.

26. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

CHAPTER IV.

APPEALS.

Time allowed for presenting appeals to Commissioner.

27. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Respondent need not always be summoned.

28. The Appellate Court may confirm the decision of the Lower Court, without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the Appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Reference to Judicial Commissioner.

29. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt and refer it, with the Court's own opinion, for the decision of the Judicial Commissioner.

Procedure on such reference.

30. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made, and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity with such ruling.

Costs of reference.

The costs, if any, consequent on the reference of the case to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

When Judicial Commissioner may receive second appeal.

31. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Court, a further consideration of the case appears to him to be requisite for the ends of justice,

When decision of first Appellate Court to be final.

32. If the Court of first appeal confirms the decision of the Court of first instance on a matter of fact, such decision shall be final.

Reference to Judicial Commissioner at request of parties.

33. If the Court of first appeal confirms the decision of the Court of first instance on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have ruled amiss, and to submit it to the Judicial Commissioner,

Such application shall not be admitted, unless it is made within the period and after payment of the fee prescribed by law in regard to the presentation of appeals.

If the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall make a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Court of the Judicial Commissioner,

Procedure of Judicial Commissioner thereupon.

34. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred as if it were an appeal instituted in such Court, and shall send a copy of its judgment to the Court submitting the point, which shall dispose of the case in conformity therewith.

Section thirty to apply to reference to Judicial Commissioner.

35. The provisions of section thirty, as to the adjustment of costs, shall apply to cases referred under the last preceding section,

CHAPTER V.

COURT OF THE JUDGE OF RANGOON.

The Court of the Judge of Rangoon.

36. In addition to the aforementioned Courts, it shall be lawful for the Governor General in Council to establish a Court for the Town of Rangoon, which shall be called the Court of the Judge of Rangoon.

The said Judge shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

He shall hold his Court ordinarily in the Town of Rangoon, but the Chief Commissioner may direct him to hold his Court at any other place in British Burma.

Local limits of its jurisdiction.

37. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the jurisdiction of the Judge of Rangoon, but the Chief Commissioner may from time to time vary them with the previous sanction of the Governor General in Council.

Its civil jurisdiction.

38. The Court of the Judge of Rangoon shall have civil jurisdiction in the adjudication of suits of every description, and of whatever value arising within his local jurisdiction, except those which are cognizable by a Court of Small Causes.

Appeals from the Judge's Court to High Court, Calcutta.

39. There shall be no appeal from the decree or order of the Judge of Rangoon passed in any original suit or proceeding where the amount or value of the subject-matter thereof does not exceed three thousand rupees; but where the amount or value exceeds three thousand rupees, an appeal shall lie to the High Court of Judicature at Fort William in Bengal.

Assessors in Civil suits.

40. For the trial of Civil suits under this Act, the Judge of Rangoon may constitute one or more persons Assessor or Assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Judge. No Officer of the Judge's Court shall be appointed an Assessor under this section.

Miscellaneous jurisdiction.

41. The Judge of Rangoon shall, within the local limits of his civil jurisdiction, exercise the powers of a District Judge, and he shall also exercise the powers of a District Judge under Act IV of 1869 *(The Indian Divorce Act)* throughout British Burma.

Judge to exercise powers of Session Court within his civil jurisdiction.

42. The Judge of Rangoon shall exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, within the local limits of the civil jurisdiction of his Court. Sentences of death passed by him shall not be subject to confirmation by any Sudder Court, but shall require the concurrence of the Judicial Commissioner. If there be any difference of opinion as to the propriety of the sentence, the record of the trial shall be forwarded to the High Court of Fort William in Bengal, who shall pass such sentence or order in the case as to the said Court shall seem right.

And powers of High Court as to European British subjects.

43. The Judge of Rangoon shall exercise the powers of a High Court for the trial of European British subjects; and all commitments of European British subjects on charges of offences committed within British Burma shall be made to his Court.

Trial of offences punishable with death.

44. Provided that, when the offence be one punishable with death, the Judicial Commissioner shall sit with the Judge and form a Special Court of Sessions for the trial of the accused person; and if there arise any difference of opinion, the case shall be referred for the decision of the High Court of Fort William in Bengal.

Proceedings to be regulated by the Code of Criminal Procedure.

45. The proceedings on trials held by the Judge of Rangoon as a Court of Sessions, or by the Judicial Commissioner and Judge of Rangoon sitting together as a Court of Sessions, for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure.

Provided that European Officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

The Officer Commanding the Station where the Court of Sessions is about to be held shall, when required, send in to the Court a list containing the names of all Officers liable to serve.

The summons to any such Officer to serve as a juror shall be sent through the Officer Commanding the Station, but no Officer shall be excused from attendance unless the Officer Commanding the Station shall certify in writing to the Court that the presence of the Officer summoned is required elsewhere on urgent military duty. And in such certificate the Commanding Officer shall supply the name of some other Officer for service upon the jury.

The Judge of Rangoon to sum up.

46. In cases tried before the Judicial Commissioner, and the Judge of Rangoon as a special court of Sessions, the Judge of Rangoon shall sum up the evidence to the jury.

Sentence of death to be referred to High Court.

47. Sentence of death passed upon an European British subject shall not be carried out without the confirmation of the High Court at Fort William in Bengal, to whom the case shall be referred.

Party aggrieved by any order may apply to High Court.

48. Any party aggrieved by a judicial order of the Judge of Rangoon, other than a decree or sentence in a criminal trial, or by any alleged misconduct on the part of the said Judge, may appeal against such order, or complain of such misconduct to the High Court of Fort William in Bengal, and the High Court shall have power to make such order thereon as it thinks fit.

Judge to keep such registers, &c., and to submit such returns, &c., as Chief Commissioner shall prescribe.

49. The Judge of Rangoon shall keep such Registers and Books and Accounts, and submit to the Chief Commissioner such statements and returns of the work done in his Court, on the Civil and Criminal sides, as may be prescribed by the said Chief Commissioner, subject to the approval of the Governor General in Council. The Judge of Rangoon shall also comply with such requisitions for information as may be made

by the Chief Commissioner, shall hold his Court at such times, observe such holidays and vacations as shall be prescribed by the Chief Commissioner, and generally, in matters not judicial, shall obey the orders of the Chief Commissioner.

Power to make rules of practice.

50. The Judge of Rangoon may make and issue general rules for regulating the practice and procedure of his Court, and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the local Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner.

Licensing of Advocates, and rules regarding qualifications and admission.

51. No person shall be permitted to appear or act as the Advocate of any suitor in the Court of the Judge of Rangoon, unless such person shall have been licensed thereto by the said Judge either generally, or specially; and the Judge may make rules for the qualification and admission of proper persons to act as Advocates in his Court, and from time to time may add to any such rules. Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf or on behalf of a co-suitor. Provided also that any person, who for the time being is an Advocate, Vakeel, or Attorney-at-law of any of the High Courts of Judicature in India, shall be entitled without any license to act as an Advocate for any suitor in the Court of the Judge of Rangoon.

Saving of agent for Secretary of State, &c.

And of Advocates, &c., of High Courts.

License may be suspended or withdrawn.

52. The Judge of Rangoon may, for any sufficient reason, suspend or withdraw any such license.

Fees of Advocates, &c., subject to taxation.

53. The fees to be received by any Advocate, whether general or special, licensed by the Judge of Rangoon or entitled to act as an Advocate for another person in his Court without a license, under section 51 of this Act, shall at all times be subject to the control and taxation of the said Judge, and no fees shall be recoverable by any Advocates except such fees as shall have been allowed by the said Judge on taxation.

Rules for service and execution of process, and table of fees for same.

54. The Judge of Rangoon may, with the previous sanction of the Chief Commissioner, make and alter rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction, and settle a table of fees to be allowed to the persons employed in such service or execution.

Publication of same.

All such rules and tables shall be published in the local Official Gazette, and shall thenceforth have the force of law.

Rules under certain Acts to be deemed to have been made under this Act.

55. Rules made and issued by the Judge of Rangoon under sections 16 and 19, Act XXI of 1863, and section 14, Act III of 1866, shall be deemed to have been made and issued under this Act.

Law to be administered.

56. Subject to the provisions of Section 5 of this Act, all questions of fact, law and equity arising in suits before the Judge of Rangoon and the Judge of the town of Maulmain shall be dealt with and determined according to the law administered by the High Court at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.

Provision for discharge of duties of Judge in case of vacancy in his office.

57. Upon the occurrence of any vacancy in the office of Judge of Rangoon and during any absence of the said Judge, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Judge, and the Judicial Commissioner or Commissioner shall thereupon be authorized to preside in the Court of the Judge and to exercise the jurisdiction of the Judge until some person shall have been appointed by the Governor General in Council to fill or officiate in the office of Judge of Rangoon and shall have entered upon the discharge of the duties of such office, or until the Judge shall have returned from such absence.

Mode of disposing of suit where Judge is interested.

58. When any suit or proceeding comes before the Judge of Rangoon in which he is a party or personally interested, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judge to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Appointment of ministerial officers.

59. The ministerial officers of the Court of the Judge of Rangoon shall be appointed by the said Judge, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary, but the removal or suspension of any officer drawing a salary of 100 rupees or upwards shall be subject to the orders of the Chief Commissioner.

CHAPTER VI.

SPECIAL COURT.

Constitution of special Court.

60. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Judge of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court as an assessor. Such Commissioner shall record his opinion in the case, but the decision shall rest with the Judicial Commissioner and the Judge of Rangoon.

Appeals from Judge of Maulmain.

61. Appeals from orders and decrees passed by the Judge of the town of Maulmain in civil suits and proceedings shall, where appeal is allowed by law, be heard and determined by the Special Court. Such appeals shall be presented in the Court of the Judicial Commissioner.

62. Any person convicted on a trial held by the Judge of Rangoon as a Court of Sessions may appeal to the Special Court. Such appeal shall be presented in the Court of the said Judge.

Appeals from Judge of Rangoon in criminal cases.

63. If, in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the Judicial Commissioner and the Judge of Rangoon shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case.

Judicial Commissioner or Judge may sit as Special Court at the request of the other.

64. It shall be lawful for the Chief Commissioner to direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, shall be tried before the Special Court.

Chief Commissioner may direct cases to be tried by Special Court.

65. When a difference of opinion arises in the Special Court, the following rules shall be observed :—

Rules as to finding of Special Court in case of difference of opinion arising.

(1). If the difference of opinion arise in a civil appeal, and be on any question of fact, and if either the Judicial Commissioner or the Judge of Rangoon agrees with the finding of the Court from whose decision the appeal has been made, the finding of that Court shall be upheld.

(2). If the difference arise in a civil appeal, and be on a point of law or usage having the force of law, or the construction of a document, the ruling of the Court from whose decision the appeal has been made shall be upheld, unless either the Judicial Commissioner or the Judge of Rangoon be of opinion that the point should be referred to the High Court of Judicature at Fort William in Bengal, in which case they shall state the point as to which they differ, and forward the statement with their respective opinions thereon to such High Court.

(3). In all other cases, the point shall be referred to the High Court with a similar statement of opinions.

66. Where the reference is in a civil suit, the Special Court may proceed in the case notwithstanding such reference, and may determine the suit contingent on the opinion of the High Court on the point referred; but no execution shall be issued in any civil case in which a reference shall have been made until the receipt of such opinion.

Decree may be passed contingent on opinion of High Court, but execution not to issue.

67. The High Court shall proceed to determine the point referred, as if it were an appeal instituted in such Court. A copy of the determination shall be sent to the Court from which the case was referred to the Special Court, and such Court shall dispose of the case accordingly.

Procedure of High Court on reference.

The costs, if any, consequent on the reference of the case for the opinion of the High Court, shall be costs in the suit or appeal.

The costs of reference.

68. Any decree or sentence passed by a Special Court as above constituted shall issue as and be deemed to be a decree or sentence of the Court from which the case was referred to the Special Court.

Decree of Special Court to be deemed a decree of original Court.

69. The Judicial Commissioner and the Judge of Rangoon may in concurrence, and subject to the orders of the Chief Commissioner, frame rules of practice and for regulating the times and places of the sittings of the Special Court. Any difference of opinion in regard to such rules shall be decided by the Chief Commissioner.

Rules for Special Court.

SCHEDULE.

No. and year.	Title.	Extent of repeal.
1 of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said Territory.	The whole.
XXI of 1863 ...	An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmein in British Burma, and to establish Courts of Small Causes in the said Territory.	The whole.
XXIV of 1863 ...	An Act to amend Act I of 1863.	The whole.
III of 1866 ..	An Act to confer increased powers upon the Registrars of the Recorders' Courts in British Burma, and for other purposes.	The whole.

STATEMENT OF OBJECTS AND REASONS.

It having been determined to appoint a Judicial Commissioner for Burma, the object of this Bill is to provide for the constitution of that Officer's court, and to carry out certain modifications of the existing legal machinery of the province which experience has shown to be desirable. Provision is made for a special Court, consisting of the Judicial Commissioner and another officer, which will in certain cases sit as the final Court of Appeal, and will dispose of capital cases against European British Subjects.

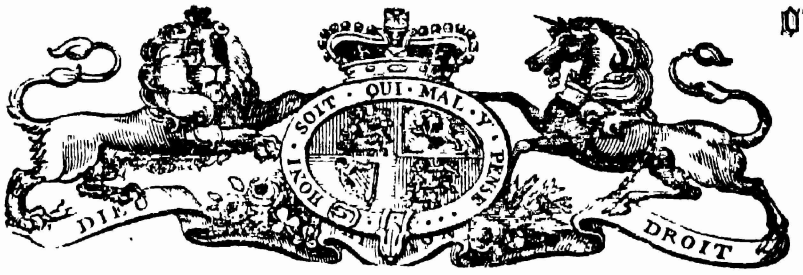
J. F. STEPHEN.

The 21st December 1871.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 3 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 20, 1872.

OFFICIAL PAPERS.

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GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

STORAGE RESERVOIR ON THE MOOKTEE NULLAH, NEAR DHOOLIA, BOMBAY

No. 60 I, dated the 13th January 1872.

OBSERVATIONS.—By the Govt. of India, P. W. DEPT.

Read the following correspondence—

Letter from Government of Bombay, No. 235 I—2633 of 8th November 1869, and enclosures.

Letter to Government of Bombay, No. 456 I of 1st December 1869.
" from " of " " 10 I—165 of 24th January 1870.
" to " of " " 74 I, dated 9th February 1870.

Despatch to Secretary of State, No. 20, dated 12th February 1870.

Read also :—

Letter from Government of Bombay, No. 182 I—1918, dated 23rd October 1871.

OBSERVATIONS.—In the first of the letters above read, the Government of Bombay applied to the Government of India for permission to class the Mooktee Reservoir, which had previously been sanctioned, as a work to be executed from Loan Funds, but the Government of India objected to sanction the proposal, owing to the difference of opinion amongst the Revenue and other Authorities in regard to the revenue likely to be realized, until assured that the rates specified were to be levied from the irrigated land, irrespective of the existing Revenue settlement.

2. On subsequently receiving from the Bombay Government an assurance that orders would be issued for the re-assessment, as far as water-rate is con-

cerned, of all the land which could be irrigated from the reservoir, and that the project would be credited with the increase, the Governor General in Council finally authorised its classification as "Extraordinary."

3. The original estimate sent up by the Government of Bombay amounted to Rs. 1,97,714, and the net return was estimated at 8·56 per cent., and in the Chief Engineer's Memorandum, which formed one of the accompaniments of the estimate, Colonel Fife observed—"I have carefully discussed all the details with the Executive Engineer, and I think they are satisfactory."

4. With the present letter the Government of Bombay submits a revised estimate for the project, amounting to Rs. 2,53,086, being an increase of 28 per cent. on the original estimate. The net contemplated return therefore will, if realized, be reduced from 8·56 to 6·35 per cent.

5. The Government of India is referred to the Chief Engineer's Report for explanation of the excess, the causes of which are stated by Colonel Merriman to be—

1st.—That the first estimate was framed rather hastily (owing to the demand for famine relief works in Khandeish in 1868-69) by an Executive Engineer from England, who had never had any experience of such works in this country. Certain necessary items were consequently omitted, and the rate for earth-work in the embankment was set too low to admit of proper material being used, including rolling and ramming.

2nd.—The Chief Engineer was unable to inspect the work till some progress had been made, and without actually visiting the spot, it was impossible for him to go more than superficially into the question of rates and general details of the scheme.

3rd.—The rate for earth-work is abnormally high, even after allowance is made for the great height of bank, the distance of the lift for earth and water, and the difficulties of obtaining good soil.

Rs. A. P.
2 4 6 per 100 cubic feet.

4th.—It is added that "doubtless the fact of no less than four Executive Engineers having held charge of the Khandeish Division while the work was in progress, has tended in some measure to enhance the rate, but there is also reason to apprehend that sufficient energy was not displayed by two of them during their tenure of office, and that the Assistant, who was inexperienced, was not aided as he should have been by them."

6. Regarding these explanations, it is only stated that "due notice will be taken of the apparent want of energy displayed by two of the Executive Officers connected with this undertaking, but the names of the Officers in question have not been given." From the Proceedings of the Government of Bombay for the month of October last, however, His Excellency in Council learns that the Officers in question were Mr. Jones and Mr. Mayne, but the degree of blame attributable to either is not stated. It appears, however, that Mr. Mayne has left the Department, and that Mr. Jones has been called upon for an explanation.

7. The Governor General in Council cannot but regard the proceedings connected with this work from beginning to end as most unsatisfactory, and further considers, that not only has the conduct of the Executive Engineers concerned been deserving of blame, but that the Officers under whose supervision the original estimates must have passed, did not exercise that careful scrutiny which the Government has a right to expect, and by the results of which the decision of this Government must, in a great measure, be guided.

ORDER.—Ordered, that sanction* of the revised estimate be communicated to the Government of Bombay with these observations, and that the observations be further published in the Supplement to the *Gazette of India*.

* Registered as No. 87 I of 1871-72.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

REPORT ON THE WORKING OF THE ACCOUNTS BRANCH OF THE PUBLIC WORKS DEPARTMENT DURING 1870-71,

Circular No. 2 Public Works, dated the 3rd January 1872.

RESOLUTION.—By the Govt. of India, P. W. DEPT.

Read the following :—

Report by LIEUT.-COL. J. J. MCLEOD INNES, V. C., R. E., *Accountant General, Public Works Department, on the working of the Accounts Branch of the Public Works Department during the year* 1870-71,—*No.* 1787, *dated Simla, 9th November* 1871.

Following the custom of previous years, I beg to lay before the Government of India the following report on the working of the Accounts Branch of the Public Works Department for the year 1870-71.

2. The business of this branch of the Department is divided into three main sections, *viz*,—I, General, comprising Buildings and Roads (Civil, Military, and Miscellaneous), Telegraphs and Establishment (Accounts) ; II, Railways ; III, Irrigation. Each of these three sections will be dealt with separately.

I.—GENERAL.

3. The following three tables, marked A, B and C, exhibit the degree of punctuality which has been attained in the disposal of the accounts,—*first*, in the audit of the Executive Engineers' accounts ; *secondly*, in the submission of the monthly and annual accounts by the Controllers of the several Provinces to this Office ; and *thirdly*, in the rendering by this Office of the accounts, monthly and annually, for all India to the Comptroller General of Accounts :—

A.

Arrears in the Public Works Offices of Account in receiving, auditing, and booking accounts of Executive Engineers at the beginning and end of the year 1870-71.

PROVINCES.	PLACE ON THE LIST.		AVERAGE ARREARS IN ALL BRANCHES OF THE WORK IN MONTHS AND DECIMALS OF A MONTH.		Gain during the year.	Loss during the year.
	On 20th March 1870.	On 20th March 1871.	On 20th March 1870.	On 20th March 1871.		
Central Provinces	3	1	·04	..	·04	...
Mysore	2	1	·02	...	·02	...
Rajpootana	6	1	·12	...	·12	.
Bombay	1	2	...	·01	...	·01
Punjab	4	3	·08	·03	·05	..
Bengal	5	4	·09	·04	·05	..
North-Western Provinces	8	5	·15	·08	·07	...
Hyderabad	11	5	·21	·08	·13	...
Oudh	6	6	·12	·11	·01	...
British Burmah	8	7	·15	·17	...	·02
Central India	13	8	*	·21	.	·21
Madras	10	9	·16	·22	...	·06
Port Blair	12	10	·37	·33	·04	.
	...	...	1·51	1·28	...	...
General average for the whole Department ...	...	...	·13	·10	·03	...

* The Progress Report for March 1870 was not received from this Province owing to the removal of the Controller's Office from Meerut to Indore.

4. This table shows that, on the 20th March last, the divisional accounts of the Department for the whole of India were, on an average, only about three days in arrears, several of the Provinces being quite up to date. This result, considering that the time now allowed for the submission of the monthly accounts to Controllers is only 20 days, is very creditable to the Officers and Accountants concerned.

B.

Statement showing the dates on which the Provincial Accounts of 1870-71 *were received from Controllers in the Office of the Accountant General, Public Works Department, compared with those of the previous year.*

Provinces.	Monthly Accounts.		Annual Appropriation and Outlay Account.					
	1869-70.	1870-71.	1869-70.			1870-71.		
	Months after date, average for the year.		Actual dates.					
Madras	2	1¾	June	27,	1870	August	24,	1871
Bombay	1⅔	1⅙	July	7,	„	July	13,	„
Bengal	2¼	2	„	5,	„	„	12,	„
North-Western Provinces	2⅕	2	„	27,	„	August	8,	„
Punjab	2	1¾	June	27,	„	July	10,	„
Central Provinces	1½	1⅓	July	7,	„	June	30,	„
British Burmah	2	1½	June	11,	„	August	16,	„
Oudh	2	1¾	August	5,	„	July	3,	„
Hyderabad	1⅛	1⅛	June	8,	„	June	7,	„
Berars	1½	1½	„	8,	„	July	4,	„
Central India	2¼	2	July	4,	„	August	7,	„
Rajpootana	2⅛	1¾	August	5,	„	June	29,	„
Mysore	1⅓	1¼	June	28,	„	July	4,	„
Coorg	1½	1⅓	„	4,	„	„	27,	„
Port Blair	2	2	„	24,	„	August	30,	„

5. This statement shows that, even from the largest and most distant Provinces, the monthly accounts are now, as a rule, despatched so as to reach this Office within two months of the period to which they refer, whilst, from the smaller Provinces, the accounts are usually received in considerably less time. Remembering that these accounts represent, not the exchequer or unadjusted receipts and payments, but the final adjusted revenue and charges of the Department, all duly audited and posted into the Divisional and Provincial books for each month, the punctuality attained is, I would urge, at as high a standard as can be desired.

6. With one or two exceptions the annual accounts for 1870-71 have not been received in such good time as those of the previous year. This is due to the provincial books having been kept open longer than usual, with a view to the adjustment, as far as possible, of all inter-departmental transfer transactions preparatory to the separation of the Imperial from the Provincial services, which takes effect from the 1st April 1871, (*vide* Financial Resolution No. 3334 of 14th December 1870). It should be noted, however, that the Madras accounts were delayed in transit nearly a month, owing to the unusually heavy rains of this season, which caused a temporary interruption in the railway and postal communication of various parts of the country.

C.

Statement showing the dates on which the Imperial Public Works Accounts of all India, monthly and annual, were forwarded from this Office to the Comptroller General of Accounts for 1870-71.

Months.	1869-70.		1870-71.		Months after date.
For April	27th September	1869	20th July	1870 ...	2⅔
„ May	11th October	„	30th August	„ ...	3
„ June	19th „	„	14th September	„ ...	2½
„ July	27th „	„	12th October	„ ...	2⅓
„ August	26th November	„	18th November	„ ...	2⅓
„ September	15th December	„	12th December	„ ...	2⅓
„ October	15th January	1870	9th January	1871 ...	2¼
„ November	11th February	„	8th February	„ ...	2¼
„ December	10th March	„	7th March	„ ...	2¼
„ January	6th April	„	21st April	„ ...	2¾
„ February	11th May	„	12th May	„ ...	2⅓
„ March	13th August*	„	27th June	„ ...	2¾
Final Account	13th „	„	7th September	„ ...	5¼

* The account for March 1870 was kept back until the imperial books for 1869-70 were finally closed, and thus forwarded with the final account of the year.

7. From the foregoing table it will be seen that the monthly accounts of the Department for all India were rendered to the Comptroller General of Accounts on an average about 2½ months from the date to which they refer, whilst the final account for the year, though, from the causes stated in para. 6, somewhat later than that of the previous year, was still 23 days in advance of the date fixed for the submission of this account by the Resolution of the Financial Department, No. 271, dated 23rd May 1866. These results will, I trust, be regarded as satisfactory.

8. The following statement will show the balances of the several suspense heads of account as they stood at the beginning and end of the year respectively:—

Statement showing the balances of the Public Works Department as they stood at the beginning and end of the year 1870-71.

Provinces.	Cash in hands of Public Works and Civil Officers.		Stock.		Stock purchases and Sales.		Barrack Department.		Miscellaneous Advances.		Tuccavee Works.		Transfers.		London Stores and Invoices.		Total.	
	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.	Beginning of year.	End of year.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Madras	1,99,358	2,66,743	2,20,276	2,75,101	1,107	2,332	...	..	34,483	24,991	...	...	6	...	...	...	4,55,218	5,69,167
Bombay	28,559	23,598	3,38,130	3,22,609	247	647	1,379	66	68,635	50,772	...	...	...	...	...	...	4,36,950	3,96,266
Bengal	1,46,743	1,33,105	20,59,000	21,69,463	28,165	1,871	5,249	3,803	45,667	19,439	35,167	51,022	25	...	...	1,47,583	23,19,966	25,22,544
North-Western Provinces	2,01,872	2,64,267	25,14,980	24,86,149	1,63,386	1,40,595	984	676	79,889	67,180	1,00,092	75	...	...	...	...	30,61,203	29,58,942
Punjab	85,686	1,87,379	19,66,211	17,26,453	22,664	30,739	5,541	88	62,118	78,836	...	...	346	...	...	52,469	20,96,573	20,75,964
Central Provinces	34,594	30,304	11,58,968	7,52,503	5,571	1,665	726	132	18,504	7,969	...	...	1,188	...	...	...	12,06,033	7,92,573
British Burmah	23,586	40,734	3,80,955	4,04,580	4,053	...	...	...	8,163	5,312	...	..	28	...	...	...	4,16,785	4,50,626
Oudh	75,107	78,744	6,15,817	5,84,455	750	1,590	7,998	2,864	6,616	6,214	...	...	3	...	...	...	7,06,285	6,70,687
Hyderabad	4,962	860	57,518	82,915	...	...	...	...	5,831	1,426	...	...	...	...	...	29,957	68,311	1,15,158
Central India	60,064	40,580	4,51,865	4,59,465	59,509	4,407	8,425	7,419	15,386	7,046	...	...	...	...	...	...	5,95,249	5,18,917
Rajpootana	33,190	22,124	62,867	52,890	443	228	...	...	18,529	9,662	...	...	500	...	...	...	1,14,643	84,448
Coorg	...	250	4,454	4,090	...	17	...	...	98	109	...	...	...	...	...	...	4,552	4,432
Port Blair	25,201	2,057	46,232	21,387	...	...	...	...	2,853	190	...	...	6,087	...	...	...	80,373	23,634
Total ...	9,18,922	10,90,745	98,77,303	93,42,060	2,28,539	1,75,385	30,302	14,916	3,66,772	2,79,146	1,35,259	51,097	5,044	...	..	2,30,009	1,15,62,141	1,11,83,358

9. The stock balance is the only item in the foregoing statement which appears to call for any special remark. The magnitude of the amount of our stock has attracted the attention of the Government of India and of the Secretary of State, and I have been, for some time past, in communication with the several Controllers of Public Works Accounts with the view of ascertaining the facts of the case and laying before Government data relevant to the practicability of reducing the stock without impairing the efficiency of the Department. I have already collected a good deal of information as to the details of the stock at present kept up in the several Provinces, and am still making enquiries, specially as regards the timber supply, which forms one of the most important and heaviest items in the accounts. On collecting a sufficiency of information on the subject, I purpose to submit a report, but it will not, at any rate, be expedient to do so until the issue of final orders on the proportion of stock to be made over to Provincial services under the operation of the orders quoted in the margin, regarding which the several Local Governments and Administrations have been addressed in Public Works Department No. 849—58 A, dated 8th November 1871. I may, however, here remark at once that the amount of balance at the end of last year, *viz.*, Rs. 93,42,060, though large, is considerably less than one year's actual requirements for the whole Department, the average issues of the last three years being about 116 lakhs. And this proportion does not, I would observe, appear to me to be extravagant when two circumstances are remembered,—*first*, that the stock balance includes a large amount of bricks and similar materials which have been getting manufactured and collected for Extraordinary and other special works, but which cannot, at present, be charged off at once to these works; and *secondly*, that, in almost all the Districts in which our operations are conducted, seasoned timber is not procurable, and the timber has to be bought green and kept in store until seasoned.

Financial Department Resolution No. 3164, dated the 29th August 1871.

10. The following table shows what has been done in the matter of stock-taking in the Provinces under the direct control of the Government of India:—

Provinces.	Total number of Divisions in each Province	Deduct Divisions which have no stock.	Number of Divisions which have stock.	Divisions in which stock was taken during 1870-71.		Divisions in which stock has not been taken during 1870-71.	Remarks.
				First-half.	Second-half.		
Bengal	43	2	41	4	34	3*	* The stock returns of these three Divisions of the Assam Circle were not received.
North-Western Provinces	30	4	26	8	15	3†	† The stock of two of these Divisions was verified at the close of 1869-70. No return was received for the other Division.
Punjab	36	6	30	7	23	...	
Central Provinces ...	9	1	8	...	8	...	
British Burmah... ...	6	...	6	2	4	...	
Oudh	4	...	4	2	2	...	
Hyderabad	1	...	1	1	...	...	
Berars	3	...	3	...	3	...	
Central India	8	...	8	2	6	...	
Rajpootana	6	2	4	1	2	1‡	‡ The stock of the Nusseerabad Division was taken at the close of 1869-70.
Mysore	8	..	8	2	5	1§	§ Stock of this Division is said to be trifling.
Coorg	1	...	1	1	...	...	
Port Blair	1	...	1	...	1	...	
Total ...	156	15	141	30	103	8	

11. According to this statement, out of 141 Divisions containing stock, the stock of 133 are known to have been checked during the year. The omission to carry out this duty in the remaining eight Divisions is explained in the marginal remarks in the statement.

12. The stock rates of all Divisions from which returns were received, were scrutinized by Controllers during the year and, in general, were found to be satisfactory. The few exceptions are noted in the margin, and the most important of these have already come under the notice of the Government of India.

Provinces.	*Divisions.*
Bengal	Sylhet. Rajshahye
N. W. Provinces ...	Northern Division, Ganges Canal.

13. Of the measures which have been adopted during the year for the general improvement of this branch of the Department, the following may be noted :—

Accountant General's Circulars Nos. 16 and 26 of 1870.

14. *As regards reports of irregular expenditure.*—Controllers were requested to submit to this Office every fortnight after date of despatch of the monthly account current a classified abstract of the statement of objectionable items in each division as *it then stands.* This was with a view to obtain early information in these matters, and I am glad to be able to report that the number of objectionable items have very considerably decreased since the introduction of these measures.

Public Works Department Circular No. 8, and Accountant General's Circulars Nos. 9 and 22 of 1871.

15. The practice of incurring expenditure without due sanction and provision of funds was again commented on, and instructions were issued that Controllers should report all serious cases specifically by letter to the Local Government and to the Accountant General, Public Works Department.

Accountant General's Circular No. 18 of 1870.

16. *Agreement between the exchange accounts of the Civil and Public Works Departments.*—Attention of Controllers was drawn to the discrepancies between these accounts, and suggestions made as to their agreement.

Accountant General's Circulars Nos. 41 of 1870, and 13, 16, and 20 of 1871.

17. *London Accounts.*—Complete instructions were issued to Controllers in regard to the mode of accounting for the outlay incurred in England on account of stores required for public works in this country.

Public Works Department Circular No. 74 of 1870, and Accountant General's Circulars Nos. 42 of 1870, and 2 of 1871.

18. *Early communication to Financial Department of expenditure incurred in this Department.*—The Financial Department had long urged the necessity of arrangements by which that Department should be able, through its own Officers, to keep the expenditure of the Public Works Department within the sanctioned limit. Tentative arrangements have been organized which have proved effective. The defects and redundant work originally arranged for have also since been investigated and reported for removal or improvement.

19. One of the features of these arrangements is that they link the treasury or exchequer transactions in connection with the Public Works Department with its final or adjusted accounts, and this will, after due interval, afford data for determining whether, or to what extent, those exchequer accounts may be accepted or adopted in the financial accounts of the empire in lieu of our adjusted or administrative accounts.

Public Works Department Notification No. 125, dated the 17th March 1871.

20. *Revision of Control Establishment.*—The grades and pay of the Control Establishment have been revised in order to assimilate with the revised scale of consolidated salaries laid down for the Engineer Establishment.

Public Works Department Circular No. 32 of 1871.

21. *Examinations.*—The test for admission into the lower grades of the Control Establishment has been raised to a higher standard.

22. *Inspections of Account Offices.*—The Offices of the Controllers of Public Works Accounts, Oudh, Bengal, and Punjab, were inspected during the year. Several imperfections were noticed in the first, and the Controller's attention drawn to them. The two latter were in a satisfactory state.

Financial Department Resolution No. 3334, dated 14th December 1870, and Public Works Department Resolution No. 606—15 A—G, dated 19th September 1871.

23. *Provincial Services.*—With reference to the Resolution of the Financial Department increasing the financial powers and responsibilities of Local Governments and Administrations by transferring to them funds for the purpose of expenditure on Provincial works, it has been decided that the accounts of such expenditure by Public Works Officers should be rendered in precisely the same way as if the expenditure was from Imperial funds. Separate Budget-Estimates and Appropriation Accounts for Provincial Public Works expenditure have likewise been prescribed, while proposals have been called for for dividing off the existing Public Works establishment into Imperial and Provincial.

Public Works Department Proceedings, A, (A—G,) July 1870, No. 23.

24. *Amalgamation of Public Works Accounts Officers of Madras and Bombay with those under the Government of India.*—With the approval of the Secretary of State for India orders have been issued for the amalgamation of the Public Works Accounts Officers in Madras and Bombay with those in other parts of the country.

Public Works Department letter No. 24—34A—G, dated 18th January 1871, and Accountant General's Proceedings, September 1871, No. 273.

25. *Opinions of Executive Engineers in regard to their accounts.*—The opinions of Executive Engineers were elicited as to whether their accounts were a burden on their time and attention, and to what extent they were relieved by their Accountants. The replies were singularly satisfactory, not only as to the relief afforded, but as to the real state of the feeling of the Executive Branch on the matter. Still there is, I think, room for improvement, and further suggestions and enquiries, both on this point and on the diminution of the office work of Executive Engineers in general, are being made.

II.—Railways.

State Railways.

26. The rules and forms for the Capital Accounts of State Railways prepared by Colonel Chesney, and issued for adoption by the Government of India, were brought into operation at the commencement of the past year, and, on the whole, have been found to work very satisfactorily; a few minor points, which experience proved to require modification, have been rectified. Separate accounts are now open in my Office for the following State Railways:—

1.—Hooblee and Carwar,
2.—Calcutta and South-Eastern.
3.—Darjeeling.
4.—Rajpootana.
5.—Moradabad, Deobund, and Roorkee.
6.—Punjab Northern.
7.—Indus Valley.
8.—Indore.
9.—Indore and Ajmere.
10.—Nizam's.
11.—Khamgaon.
12.—Oomraotee.
13.—Mysore.

On the Darjeeling and Moradabad Surveys, however, no expenditure has been incurred since January and March 1871, respectively.

27. The following statements show the progress made in disposing of the accounts of State Railways in their several stages:—

Statement showing the dates on which the Monthly and Annual Accounts of State and Guaranteed Railways for 1870-71 *were received from Controllers in the Office of the Accountant General, Public Works Department.*

	Lines.	Monthly accounts—Average period occupied in submission of—for the year.	Annual Accounts.	Appropriation and Outlay Account.	Remarks.
		Months.	1871.	1871.	
State Railways.	Hooblee and Carwar	$1\frac{7}{10}$*	19th July ..	24th July ...	* Accounts for five months of the year only.
	Calcutta and South-Eastern	$1\frac{1}{4}$	12th May ...	12th May.	
	Darjeeling	$1\frac{3}{8}$†	12th „ ..	12th „ ...	† Accounts for nine months of the year only.
	Rajpootana	2	23rd August...	23rd August.	
	Moradabad, Deobund, and Roorkee	2	23rd „ ...	23rd „	
	Punjab Northern	2	10th July ..	10th July.	
	Indus Valley	$1\frac{1}{4}$	10th „ ...	10th „	
	Indore	$1\frac{3}{8}$‡	3rd „ ...	3rd „ ...	‡ Accounts for nine months of the year only.
	Indore and Ajmere	$\frac{5}{8}$§	3rd „ ...	3rd „ ..	§ Accounts for two months of the year only.
Railways in Native States.	Nizam's (Hyderabad) ...	$1\frac{3}{4}$	26th June ...	26th June.	
	Khamgaon	$1\frac{3}{4}$	26th „ ...	26th „	
	Oomraotee	$1\frac{1}{12}$‖	26th „ ...	26th „ ..	‖ Accounts for ten months of the year only.
	Mysore...	$\frac{1}{12}$¶	10th „ ...	1st May ...	¶ Accounts for five months of the year only.
Guaranteed Railways.	Madras...	...	24th August...	Included in General Appropriation Account.	
	Bombay	...	19th July ...		
	Bengal	...	12th May ...		
	North-Western Provinces ...	...	23rd August...		
	Punjab...	...	10th July ..		
	Central Provinces	...	30th June ...		
	Oudh	...	3rd July(a) ...		

(a) Last revised accounts received on 15th September 1871.

Statement showing the dates on which the Monthly and Annual Accounts of the Railway Branch, Public Works Department, for 1870-71, *were submitted by the Accountant General, Public Works Department, to the Comptroller General of Accounts as compared with* 1869-70.

Months.	1869-70.	1870-71.	REMARKS.
April	For these months the Railway accounts were incorporated in the general accounts of the Province.	August 25, 1870	
May		September 6, „	
June		„ 14, „	
July		October 4, „	
August		November 18, „	
September		December 12, „	
October	February 3, 1870.	January 10, 1871.	
November	„ 23, „	February 9, „	
December	March 31, „	March 11, „	
January	April 29, „	April 27, „	
February	May 31, „	May 18, „	
March	August 20, „	*Sept. 26, „	*The preliminary account for March was submitted on the 1st July and the supplementary one on the 26th September.
Final Accounts ...	„ 25, „	October 14, „	

28. With the view of arriving at as full and correct a knowledge as possible of the working of the State Railway Accounts, I spent several days in minute enquiry into the matter at Lahore, at the close of last year, consulting with every class and grade of Officers concerned. The results were embodied in a report, which I need not recapitulate, and which have led to numerous suggestions and enquiries, especially with reference to the arrangements for stores and store-keeping.

* * * * * *

Guaranteed Railways.

30. The forms of Half-yearly Accounts for Guaranteed Railways issued early in 1870 not being considered altogether satisfactory, revised forms were issued for general adoption in March 1871, with instructions that they should be brought into force from the commencement of the current year. The deputation of Mr. Dorning to India to investigate the accounts of the East Indian Railway has led to many improvements being made in their Account and Audit Office, coupled with a considerable reduction of expense; and, indeed, the reports received on most of the Offices inspected, show a decided improvement, though not altogether so great as I should like to see.

31. The joint audit on the part of Government and the Company established for the Oudh and Rohilkhund Railway on the 1st January 1870 has been a decided success, and leads me to express a hope that a similar system may some day be brought into operation on all the Guaranteed Lines. Besides being more efficient than any other system hitherto adopted, its cost is much less, and it works more effectively and with less friction between the parties concerned.

32. The Account and Audit Offices of the under-noted Guaranteed Companies were inspected by Captain Filgate, R. E., Assistant Accountant General in this Department, during the past official year :—

Great Indian Peninsula Railway.

Bombay, Baroda and Central India Railway.

East Indian Railway.

Eastern Bengal Railway.

Oudh and Rohilkhund Railway.

33. Under orders from the Secretary of State, revised forms for recording the transactions of the Railway Companies with the Government Treasuries were introduced from the 1st January 1871; and, in connection with these, the Government of India issued instructions regarding the making up of the Capital accounts of the undertakings which were completed or approaching completion, and, at the same time, laid down certain rules with a view to preventing the undue expansion of the Capital accounts.

34. The following table shows the average time taken in preparing and submitting the Guaranteed Railway Monthly Accounts Current to this Office:—

Statement showing average time on which the Monthly Accounts of Guaranteed Railways for 1870-71 were rendered by Consulting Engineers for Railways to the Accountant General, Public Works Department.

	Lines.	Monthly Accounts—Average period occupied in submission of—for the year.
		Months.
Madras	Madras Railway, N.-W. and S.-W. Lines	$2\frac{1}{2}$
	Great Southern of India Railway	$2\frac{3}{4}$
	Carnatic Railway	$2\frac{3}{4}$
Bombay	Great Indian Peninsula Railway	$3\frac{1}{10}$
	Bombay, Baroda and Central India Railway	$2\frac{1}{2}$
	Sindh Railway	2
	Indus Steam Flotilla	$1\frac{1}{2}$
Bengal	East Indian Railway, Main Line	$4\frac{1}{3}$
	" " " Jubbulpoor Line	$4\frac{1}{3}$
	Eastern Bengal Railway	$3\frac{3}{4}$
Punjab	Punjab Railway / Delhi "	9*
Oudh	Oudh and Rohilkhund Railway	2

* This delay is attributed to the late Examiner, who has been removed, for the accounts for February and March last have not yet been received.

* * * * * *

38. In conclusion, I would bring to notice that whatever is satisfactory in the working of the Accounts Branch, is due to the indefatigable and intelligent exertions of the several Controllers of Provinces, and of my Assistants, Captain Filgate and Messrs. Hopkins and Newman.

ORDER.—Ordered, that the foregoing Report be communicated to the Local Governments and Administrations noted in the margin, for information.

Governments of Madras, Bombay, Bengal, the North Western Provinces, and the Punjab.
Chief Commissioners of the Central Provinces, Oudh, British Burmah, and Mysore and Coorg.
Resident at Hyderabad.
Governor General's Agents for Central India and Rajpootana.
Superintendent of Port Blair and the Nicobars.

Ordered, also, that it be published in the Supplement to the *Gazette of India.*

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF LOWER BENGAL UP TO 30TH OF NOVEMBER 1871.

Circle.	Canal.	Water supplied during 1871-72. Full supply depth.	Estimated full discharge in cubic feet per second.	Average depth throughout the month.	Average discharge in cubic feet per second throughout the month.	Approximate area irrigated during November 1871. District.	Area actually receiving water during the month in acres.	Of column 8 area receiving water for the first time during current year.	Total of column 9 for all previous months of current year.	Total area irrigated up to date during the current year.	Rainfall. Inches during the month.	Inches up to date during the year.	Average of ten previous years for the same period.	Navigation Return. Nature of Traffic.	Number of Boats.	Tonnage.	Ton mileage.	Approximate value of goods.	Chief Irrigation. Per column 8.	Per column 9.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
Orissa	High Level...	8	675	4·98	227·	Cuttack ..	10,721	...	10,721	10,721	...	49·24	58·18	Local ...	31	80	935	740	Rice ...	Rice.	
														Government ...	17	212	5,895	18,998			
	Kendrapara..	7	1,262	5·30	798·583	Ditto ...	15,568	70	15,498	15,568	...	49·24	58·18	Local ...	96	559	12,748	20,240	Rice, Cotton, &c.	„	Discharge through No. 8 Lock, 2·42 cubic feet per second.
														Through ...	363	3,337	140,112	4,91,112			
														Govt. Local	252	3,065	50,240	8,865	..	..	Discharge over Mantree Escape, 422·70 cubic feet per second.
														Govt. Through	6	45	1,890		..	.	
	Taldunda ...	8	1,300	6·25	51·00	Ditto ...	1,363	3	1,360	1,363	..	49·24	58·18	Local ...	17	124	462	575	Cotton ...	Rice.	Water let down to fill 2nd and 3rd reaches during the month.
														Government ...	69	930	19,446	3,150			
	Machgong ...	...	...	...	...	Ditto ...	305	7	298	305	...	...	...	....	.	...	.	...	Sugarcane & Turmeric.	„	
South-Western	Midnapore..	8	875	...	...	Midnapore ...	..	...	6,107	6,107	...	64·27	49·29	Local ...	1,949	7,228	57,352	3,62,807			No irrigation.
	Panchkoorah	6	240	...	...	Howrah ...	...	...	...	...	...	61·25	Not available	Government ...	5	35	429	1,800			Canal Range III closed for annual repairs from 12th November 1871.
	Tidal ...	...	...	...	...	Midnapore ...	.	..	...	..	...	...	...	Local ...	898	3,706	96,353	72,053			No irrigation.
														Government ...	10	45	1,174	595			
	November 1870.					Total ...	27,957	80	33,984	34,064											
Orissa	High Level ..	...	...	...	...	Cuttack ...		...	22,035	22,035	2·73	47·98	55·39								
	Kendrapara..	...		...	...	Ditto ...	1,020	...	68,356	68,356	2·73	47·98	55·39								
	Taldunda ...	...	...	..	...	Ditto ...	..	...	22,000	22,000	2·73	47·98	55·39								
South-Western	Midnapore	...	...	...	...	Midnapore ...	...	...	29,114	29,114	2·10	48·95	85·42								
	Panchkoorah	...	...	...	...	Howrah ...	.	..	878	878	1·4	43·60	Not obtainable.								
						Total ...	1,020	..	142,383	142,383											

F. T. HAIG, *Lieut.-Colonel, R. E.,*
Offg. Joint-Secretary to the Govt. of Bengal,
in the P. W. Dept., Irrigation Branch.

The 5th January 1872.

D

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RECLAMATION OF "OOSUR" OR "KULLUR" SOIL IN THE PROVINCE OF SINDH.

No. 392—406 I, dated 19th August, 1871.

Memorandum by COLONEL W. L. MEREWETHER, *Commissioner in Sindh, on the papers forwarded under endorsement of the Deputy Secretary to Government of India, Public Works Department.*

The land called "oosur" in the North-West Provinces is styled "kullur" in Sindh, and is very largely met with throughout the Province. Salts are present more or less throughout the soil, and in some places to such an excess that vegetation cannot exist. These are, of course, easily distinguishable, and are generally of a deep brown colour, and after rain become greasily slippery, quite impassable for camels and difficult for horses.

2. In other places there is no perceptible sign, but on the first use of fresh-water saline effervescence follows injuring attempted crops. This was, I believe, the case on land first watered by the Jumna Canal, and caused great alarm amongst the land-holders.

3. All of this kind of soil is, however, found capable of reclamation. The time, trouble and expense being only in proportion to the extent and quality of the salt prevailing.

4. When the salt is not excessive, the process is both speedy and simple. A crop is sown in spite of the saline appearance. It of course is only poor, but whatever is produced, excepting any heads of grain, which are cut off, is left on the ground, ploughed afterwards and allowed to decompose. With the next rise of the River Indus the water spread over the ground gives a film of good soil, which is also ploughed in, and improvement is markedly manifest; the second crop being very much superior to the first, and so on until the soil is fit for any crop.

5. Observing this, a similar process was tried in proposed garden ground, where clear well water was used, and gave good results. Plain stalks of jowaree were chopped up, and a top dressing of good soil added. These having been ploughed, the plot was watered, and then afterwards re-ploughed; where before little or nothing would grow, cereals, vegetables and flowers flourished excellently.

6. Vegetable manure would assist well in this process, but care should be taken how manure obtained from towns or villages is used, as in that case the very substance desired to be removed or neutralised may be added to.

No. 3788, dated 13th December, 1871.

Endorsed by Commissioner in Sindh

The above Memorandum is forwarded to Colonel Rundall, Deputy Secretary to the Government of India, as offering suggestions gained from observation and experience in Sindh.

GOVERNMENT OF INDIA

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—In the Punjab rain fell very generally throughout the province on the 16th, not, however, extending to Rawul Pindee or Peshawur, but the prospects of the spring crops are there as elsewhere encouraging.

In Oudh, rain has fallen in sufficient abundance, and the spring crops give excellent promise. The reports from the North-Western Provinces and Bengal are also favourable, especially the eastern portion of Bengal.

In the whole of the north of India a good spring harvest may be anticipated, but in the central portion there is a broad belt of country extending from coast to coast in which the tendency to drought is more or less decided.

The Central Provinces have had no rain. The khureef harvests have been somewhat below the average, and the spring crops, wheat, gram, and linseed, are suffering in places for lack of moisture, but the general aspect of agricultural affairs is not as yet disheartening.

In the Berars the want of water for man and beast begins to be seriously felt.

So in the south of the Bengal Presidency scarcity of water is complained of in Chota Nagpore, and in the Cuttack Division the cold weather rice crop has been partially lost. In Ganjam the drought is more intense. Some cultivators are migrating, others are sinking fresh wells to supplement the ordinary sources of irrigation, but the markets are well supplied, and health of the people is good.

In the southern districts of Madras and in Mysore and Coorg the agricultural prospects are everywhere satisfactory.

No report has been received from Bombay.

Presidency or Province.	District.	Date of District Report	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS	Ganjam ..	January 10 & 14	...	January 18 .	Slight rain in central district; water-supply failing in parts; wells being sunk; migration continues; use of roots as food reported; relief works commenced; markets well supplied; grain imports large; prices unsteady; health good.	The Government of Madras considers the state of Ganjam and Vizagapatam unsatisfactory. Elsewhere prospects are fairly good.
	Vizagapatam ..	„ 17	*Nil*	.....	Markets well supplied; prices slightly fallen; health good.	
	Godavery ...	„ 15	*Nil*	.....	Markets well supplied; health good.	
	Masulipatam .	„ 17 .	*Nil*	.....	Prospects fair; harvest below average; prices stationary.	
	Kurnool .	„ 17 ...	*Nil*	.....	Crops and pasture fair; prices unsteady; health good.	
	Negapatam ...	„ 17 ..	*Nil*	.....	Prospects good; prices steady.	
	Trichinopoly ...	„ 17 ...	*Nil*	.....	Crops in good order; harvest below average; prices steady.	
	Calicut ...	„ 16 ...	*Nil*	.....	Prospects favorable; prices low and steady; health good.	

Presidency or Province.	District.	Date of District Report.	Rainfall for fortnight preceding.	Date of report from Local Government or Administration	State of agricultural prospects.	Remarks of Local Government or Administration.
BENGAL ...	Bhaugulpore Division & Sonthal Pergunnahs ...	January 17 ...	...	January 18 ...	Weather mostly fine and dry; cold weather crops very promising, but in Purneah, Rajmehal, Godda, and Jamtarra, they require some rain; rubbee crops flourishing. Weather cold and fine; crops generally good.	
	Patna Division ..	" ..	0 27	.....		
	Rajshahye Division ..	" ...	...	.. ...		
	Burdwan Division ...	" .	.	January 18 ..	Weather fair; crops generally favorable, but require some rain.	
	Presidency Division ...	" ...	..	" ..	Weather fine and clear; crops, on the whole, good, but in some places more rain wanted.	
	Dacca Division ..	" ..	0 5	" ...	Crops promise well, and rain has done good.	
	Chittagong Division ..	.. ..		. ..	Weather fine; crops very favorable.	
	Cuttack Division ..	.. ..	*Nil*	.. ...	Prospects of crops generally good in Cuttack In Pooree, the out-turn is about three-fourths; cold weather rice crop totally lost in several places.	
	Chota Nagpore Division ..	.. ..	...	.. ...	Weather dry and cold; crops backward for want of rain.	
	Assam Division ..	. ...	. .	... .	Weather fair; spring crops promising.	
	Cooch Behar Division .	. ....	. .	.. ...	Weather very cold; rice below the average at Julpigoorie. Want of rain having done much harm in Darjeeling, rice lost about four annas; in Cooch Behar crops good.	
N W PROVINCES	Allahabad	January 18 ...	*Nil*	.....		Prospects of spring crops good.
	Meerut ..		0 20			
	Agra ...	...	...	.. .	Weather cloudy with slight rain.	
	Benares .		...	. .	Slight rain on the 16th.	
	Bareilly ...	.	...	.	No report.	
PUNJAB ..	Delhi ..	January 17 ..	0·10	January 18 ..	Cloudy and cold; crops doing well.	There was a pretty general fall of rain on the 16th, and agricultural prospects have much improved.
	Umballa .	" ...	0·10	...	Agricultural prospects good.	
	Jullundhur ...	" ..	0·50	.....	Rain highly beneficial to crops.	
	Lahore ...	" ...	0·20	.....	Crops generally benefitted; barley largely sown in unirrigated lands.	
	Mooltan ...	" ...	0·10 in Serai Sidhu.	.....	Crops as before; cattle disease diminishing.	
	Rawul Pindee ...	" ...	*Nil*	.....	Agricultural prospects good.	
	Peshawur ...	" ...	*Nil*	.....	Rain wanted.	

OUDH ...	Lucknow	January 17	02	January 18	There has been most seasonable rain in all parts of the province, and the rubbee prospects are generally favorable. Weather cloudy and foggy.
	Fyzabad	"	02	"	
CENTRAL PROVINCES ..	Raipore	January 15 .	*Nil*	January 18	Crops much in want of rain. Dew falling of much service.
	Belaspore	.....	*Nil*	"	No rain, crops thriving.
	Sumbulpore .		*Nil*	"	No rain; no change in agricultural prospects
	Jubbulpore	January 17	*Nil*	"	No rain; prospects of rubbee favorable throughout the division.
	Hoshungabad	"	*Nil*	"	No rain; prospects good; wheat suffering a little.
	Nimar	. .	*Nil*	"	No rain; khureef harvest below average, rubbee prospects unfavorable.
	Nursingpore .	..	.	"	Weather seasonable; crops progressing favorably.
	Nagpore	January 16	*Nil*	"	Khureef harvest below average; rubbee, lac, gram, and linseed suffered slightly from cloudy weather. Wheat not thriving from want of moisture; prices unchanged.
	Wurdha		*Nil*	"	No rain. Prospects of rubbee crops fair.
HYDERABAD ASSIGNED DISTRICTS	East Berar .	January 18		January 18	No change since last report. The rubbee crops in some parts of the division are in a backward condition from continued drought. Rain is urgently required.
	West Berar	" 16 ...	. .	" 18	Autumn crops gathered. The prospect of the spring harvest is as previously reported. Want of water for man and beast is increasing.
CENTRAL INDIA .	Indore			January 18	Weather clear and cold; wheat and grain crops progressing favorably.
	Govindghur ..		Slight shower on 15th	"	Weather unsettled.
	Baghelcund				
BRITISH BURMAH .	Rangoon				
	Thayetmyoo	January 16	*Nil*	January 18 .	Prospects good.
	Tounghoo				
	Akyab			. .	No reports.
	Moulmain				

No report received from Rutlam and Gwalior.

Presidency or Province.	District.	Date of District Report	Rainfall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects	Remarks of Local Government or Administration.
MYSORE AND COORG	Bangalore ..	January 18	*Nil*	January 18	In some parts of Magadi and Doddaballapura Talooks the wet crops are suffering from want of water In other places the crops are generally favorable, though the yield is not equal to that of last year. Crops continue to be reaped.	Agricultural prospects generally continue favorable
	Mysore	" 16	*Nil*	"	Most of the crops harvested; cotton, sugar-cane, &c, thriving.	
	Coorg	" 18 ...	*Nil*	"	Paddy being reaped and stacked. Out-turn expected to be good Horse and Bengal gram, &c, thriving Coffee still being picked, large portions despatched for shipment.	

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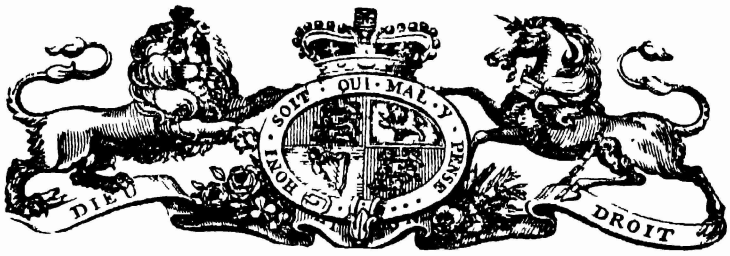
No. 4 of 1872.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 27, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations .....107—124

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .....29—36

PART III.—Advertisements and Notices by private Individuals and Corporations .....23—28

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—

Not printed this week.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—

Not printed this week.

SUPPLEMENT, No. 4 .....57—120

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

PROCLAMATION.

Fort William, the 27th January 1872.

Whereas, by Section 3 of an Act of Parliament, 33 & 34 Vic., Cap. 90, entitled "An Act to regulate the conduct of Her Majesty's Subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace," it is directed that the said Act shall be proclaimed in every British Possession by the Governor thereof, and shall come into operation in such British Possession on the day of such Proclamation, the said Act 33 & 34 Vic., Cap. 90, is hereby proclaimed and declared by His Excellency the Governor General in Council to be in force throughout British India from the date hereof.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions, even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Com-

merce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)
(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1st.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

FORESTS.

Fort William, the 25th January 1872.

No. 122.—Mr. E. M. Moir, Supernumerary Assistant Conservator of Forests, 3rd Grade and at present employed in the North-West Provinces, is transferred to Ajmere, and placed under the orders of the Chief Commissioner of that Province.

Mr. Moir is also promoted from the 3rd to the 2nd Grade of Assistant Conservators, with effect from this date.

The 26th January 1872.

No. 129.—Mr. C. F. Nepean, Assistant Conservator of Forests, British Burmah, is promoted from the 3rd to the 2nd Grade.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 23rd January 1872.

No. 377.—Mr. J. R. Maconachie, of Her Majesty's Bengal Civil Service, reported his arrival at Lahore on the 9th instant.

The 24th January 1872.

No. 396.—APPOINTMENT.—Surgeon W. P. Kelly, to be Inspector General of Jails, Sanitary Commissioner and Superintendent of Vaccination in British Burmah.

No. 397.—APPOINTMENT.—The Superintendent of the Rangoon Central Jail, for the time being to be *ex-officio* Deputy Inspector General of Jails in British Burmah.

No. 399.—The under-mentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency to public inspection, upon payment of a fee of one Rupee. A certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying :—

No. 557.—Mr. William Lindsay Henderson, of Oomrawuttee, East Berar, for a continuous acting diagonal knife.

No. 564.—Mr. John Hogan Payne, Clerk in a Merchant's Office, and residing at No. 4, Middle Road, Entally, for working Revolving Pan *Soorkee* Mills on an improved method.

No. 565.—Mr. Richard Olpherts, of Ardee House, Ardee, in the County of Louth, Ireland, for improvements in Presses for pressing indigo and other substances.

No. 569.—Mr. William Garton, of Southampton, England, Saccharum Manufacturer and Brewer, for improvements in the manufacture of inverse sugar, a saccharine material to be employed in brewing and wine making.

No. 579.—Mr. Roger John Dennett, Sub-Conductor, Army Commissariat Department, Agra, for a portable Dooley.

No. 582.—Mr. Henry Barrett and Mr. Charles George Elers, of the City of Westminster, in the County of Middlesex, England, Aërated Water Manufacturers, for an improved stopper for bottles for gaseous or aërated liquids.

No. 584.—Mrs. Matilda Lang, of Melbourne, in the British Colony of Victoria, for improvements in washing, scouring, or cleansing clothes, wool, or fibrous manufactured goods.

No. 400.—ERRATA.—In the Notification of this Department, No. 5601, dated 20th December 1871, page 979 of the *Gazette of India*, dated 23rd December 1871, regarding Messrs. E. Lefranc and J. Nagona's patent for extracting and cleaning the Ramie China-grass, &c., for "No. 556," read "No. 566," and for "Mr. J. Nogana," read "Mr. J. Nagona."

The 26th January 1872.

No. 433.—The following List of Civil Servants on the Bengal Establishment, absent on furlough or special leave on the 31st December 1871, is published for general information :—

No	Names.	Substantive Appointment.	Date of commencement of Furlough or Leave	Date of expiry of Furlough or Leave
		GOVERNMENT OF INDIA.		
		FURLOUGH.		
1	THE HON'BLE SIR C. P. HOBHOUSE, BART, (a)	Judge of the High Court, Calcutta	Sept. 26, 1870 .	Dec. 26, 1871.
2	E. F. HARRISON, (b) ..	Comptroller General of Accounts ..	Furlough for 2 years	.. ..
3	C. E. CHAPMAN .	Deputy Accountant General, Bombay	April 15, 1871 ...	Feb. 14, 1872.
4	L. C. PROBYN .	Accountant General, Punjab ...	Nov. 13, 1870 ...	Nov. 12, „
5	A. C. LYALL ..	Commissioner, West Berar Division	May 13, 1871 .	Jan. 12, 1873.
6	J. F. K. HEWITT ..	None	March 13, 1869 ..	Nov. 12, 1871.
		SPECIAL LEAVE.		
1	A. M. MONTEATH ...	Director General of the Post Office of India.	August 3, 1871 .	Feb. 2, 1872.
		LOWER PROVINCES.		
		FURLOUGH.		
1	W. B. BUCKLE ...	Governor General's Agent, Moorshedabad.	July 3, 1870 ...	July 2, 1872.
2	E. S. PEARSON (c) ...	Judge of Moorshedabad ..	April 26, „ ...	March 20, „
3	J. R MUSPRATT (d) ...	Do. of Beerbhoom ...	March 1, 1871 ...	Feb. 29, „
4	R. ALEXANDER ...	Do. of Cuttack ...	Nov. 8, „ ...	Nov. 7, 1873.
5	C. S. BELLI ...	Do. of Purneah ...	March 15, 1870 ...	March 14, 1872.
6	C. H. CAMPBELL ...	Commissioner, Presidency Division	April 29, 1871 ...	April 28, „
7	G. BRIGHT ...	Judge of Hooghly ...	Furlough for 2 years	
8	H. A. R. ALEXANDER ...	Do. of Rajshahye ...	Feb. 11, 1871 ...	Feb. 10, 1872.
9	H. B. LAWFORD ...	Do. of Jessore ...	March 4, „	March 3, „
10	A. LEVIEN ...	Magistrate and Collector, 1st Grade, Dacca.	April 17, 1870 ...	April 16, „
11	LORD H. U. BROWNE ...	Commissioner of Chittagong ...	Feb. 11, 1871 ...	Feb 10, „
12	T. B. LANE (e) ...	Junior Secretary, Board of Revenue	April 5, 1870 ...	April 4, „
13	R. V. COCKERELL ...	Magistrate and Collector, 1st Grade, Hooghly.	March 12, „ ...	March 11, „
14	H. W. ALEXANDER ...	Magistrate and Collector, 1st Grade, Shahabad.	April 10, „ ...	Jan. 9, „
15	E. D. LOCKWOOD ...	Magistrate and Collector, 2nd Grade, Tipperah.	„ 3, „ .	April 2, „
16	G. L T. HARRIS ...	None ...	July 20, 1869 ...	Jan. 19, „
17	A. SMITH ...	Magistrate and Collector, 2nd Grade, Bhaugulpore.	Aug. 3, 1870 .	Aug. 2, „
18	E. H. WHINFIELD ...	Joint Magistrate and Deputy Collector, Rungpore.	April 26, 1871 ...	Jan. 25, 1873.
19	W. R. LARMINIE ...	Joint Magistrate and Deputy Collector, Dacca.	March 12, 1870 ...	March 11, 1872.
20	R. D. HIME ..	Joint Magistrate and Deputy Collector, Tipperah.	May 22, 1871 ...	Nov. 9, „
21	G. E. MAKGILL ...	Joint Magistrate and Deputy Collector, 2nd Grade, Midnapore.	July 23, 1870 .	Jan. 22, „
22	W. E. WARD ...	Joint Magistrate and Deputy Collector, 2nd Grade, Burdwan.	March 1, 1871 ...	Feb. 28, 1873.
23	J. BOXWELL ..	Assistant Magistrate, Sylhet ...	„ 28, 1870 .	March 27, 1872.
24	A. C. BRETT .	Ditto ditto, Bhaugulpore.	May 1, „ .	April 30, „
25	J. ANDERSON ..	Assistant Magistrate and Collector, Maldah.	Aug. 31, 1870 ..	Aug. 30, „
26	J. O'KINEALY ...	Joint Magistrate and Deputy Collector, 2nd Grade, Jessore.	Furlough for 2 years	.....
27	T H. H. SHORTT .	Assistant Magistrate, Midnapore ...	May 2, 1870 ...	May 1, 1872.
28	V. IRWIN ..	Ditto ditto, Tipperah .	Feb. 12, „ ..	Feb. 11, „
29	T. SMITH, B.A. ..	Deputy Commissioner, 2nd Grade, Cooch Behar.	April 3, „ ...	April 2, „

(a) Has applied to resign the service.
(b) Date of departure not reported
(c) Has applied to resign the service
(d) Ditto ditto
(e) Has since returned.

No.	Names.	Substantive Appointment.	Date of commencement of Furlough or Leave.	Date of expiry of Furlough or Leave.
		LOWER PROVINCES—*continued.*		
		FURLOUGH—*continued.*		
30	P. D. DICKENS ..	Assistant Magistrate, 24-Pergunnahs	July 8, 1870 ..	July 7, 1872.
31	J. J. LIVESAY ...	Do do. Dacca ...	Feb. 5, „ ...	Feb 4, „
32	C. A. KELLY, M. A. ...	Joint Magistrate and Deputy Collector, 2nd Grade, Moorshedabad.	April 26, 1871 ...	July 22, 1873.
33	H. J. NEWBERY ...	Assistant Magistrate, Gya ...	March 18, „ ...	Nov. 17, 1872.
34	C. E C MERINGTON ...	Do. do. Gya ...	„ 14, 1870 ...	Mar. 13, „
35	T. NORMAN ...	Do. do. Rajshahye ...	April 1, 1871 ...	„ 31, 1873.
36	G. E. PORTER ...	Do. do. Purneah ...	March 25, „ ...	Nov. 24, 1872.
37	F. W. J. REES ...	Do. do. 24-Pergunnahs	Sept. 30, „ .	Sept. 29, 1873.
38	W. M. CLAY ...	Do. do. Rungpore ...	Furlough for 18 months.	
39	E J. BARTON ...	Do. do. 24-Pergunnahs	Nov. 8, 1871 ...	Nov. 7, 1873.
40	E. S MOSELEY ...	Do. do. Purneah	March 11, „ ...	Mar. 10, „
41	W H. GRIMLEY ...	Do. do. Backergunge	Furlough for 2 years.	
42	P. HURLEY ...	Do. do. Jessore ...	Aug. 30, 1870 ...	Feb. 29, 1872.
43	J. F. STEVENS .	Do. do. Gya ...	March 1, 1871 ...	Oct. 31, „
44	D. W. MARSDEN ...	Do. do. Cuttack ...	Feb. 16, „ ...	Feb. 15, 1873.
		SPECIAL LEAVE		
1	W. J. MONEY, C. S I. ...	Magistrate and Collector, 1st Grade, Nuddeah.	July 30, 1871 ...	Jan. 29, 1872.
		NOTE—Total absent ... 45 Total of Civil Servants employed in the Lower Provinces ... ... 245 Percentage of Absentees ... ... 18·3		
		NORTH-WESTERN PROVINCES.		
		FURLOUGH.		
1	HON'BLE A. ROSS (*a*) ...	Judge of the High Court ...	April 22, 1871 ...	Oct. 21, 1871.
2	M. B. THORNHILL ...	Do. of Saharunpore ...	„ 8, „ ...	„ 7, 1872.
3	G E. LANCE ...	Do. of Cawnpore ..	„ 8, „ ...	April 7, „
4	H. LUSHINGTON ...	Do. of Ghazeepore ...	„ 7, „ ..	Dec. 6, „
5	F. THOMPSON ...	Do. of Shahjehanpore	March 12, 1870 . .	Jan. 27, „
6	R. SIMSON ...	Secretary to Government, North Western Provinces.	„ 26, „ ..	March 25, „
7	J. H. B. IRONSIDE (*b*) ...	Magistrate of Benares ...	„ 25, 1871 ...	Nov. 24, 1871.
8	F. S. WIGRAM (*c*) ...	None ..	Oct. 2, 1869 ..	June 1, „
9	R. F. SAUNDERS(*d*) ...	Magistrate and Collector, Shahjehanpore.	Feby. 20, 1871 ...	Nov. 19, „
10	W. JOHNSTON ...	Inspector General of Registration and Commissioner of Stamps.	Nov. 13, 1870 ..	„ 12, 1872.
11	H. R. CLARKE ...	Magistrate and Collector of Banda ..	April 10, „ ...	April 9, „
12	C. J. DANIELL (*e*) ...	Joint Magistrate, 1st Grade, Shahjehanpore.	March 8, 1871 ...	Dec. 7, 1871.
13	J. SLADEN (*f*) ...	Joint Magistrate, 1st Grade, Bareilly.	Oct. 23, 1870 ...	Oct. 22, „
14	W. M. SANDYS ...	Joint Magistrate, 1st Grade, Bijnour	April 3, „ ...	April 2, 1872.
15	W. YOUNG (*g*) ...	Joint Magistrate, 1st Grade ...	Dec. 1871 ..	Dec. 1873.
16	G L. LANG ...	Deputy Commissioner, Jhansie	Oct. 7, „ ...	Sept. 23, „
17	W. DUTHOIT ...	Deputy Superintendent, Family Domains of Maharajah of Benares.	April 1, „ ..	Dec. 31, 1872.
18	A. SELLS .	Joint Magistrate, 1st Grade, Meerut	March 11, „ ...	„ 10, „
19	E. MONTAGU ...	Joint Magistrate, 1st Grade, Furrackabad.	April 15, „ ..	Jan. 30, 1873.
20	F. HENVEY ...	Joint Magistrate, 1st Grade ...	Dec. 2, „	Aug. 19, „
21	J. S. PORTER ...	Settlement Officer, Etah ...	July 13, 1870 ...	Jan. 12, 1872.
22	R. D. SPEDDING ...	Joint Magistrate, 2nd Grade, Banda	April 29, 1871	Nov. 28, „
23	H. C. BARSTOW (*h*) ...	Joint Magistrate, 1st Grade, Etah	May 8, 1870 .	„ 7, 1871.
24	J. G. ROBERTSON ...	Settlement Officer, Meerut ...	March 18, 1871 ..	March 17, 1873.

(*a*) Has applied to resign the service
(*b*) Granted 4 months' extension by the Secretary of State.
(*c*) Granted 10 months' extension
(*d*) Granted 2½ months' extension
(*e*) Granted 3 months' extension by the Secretary of State.
(*f*) Granted 3 months' extension by the Secretary of State.
(*g*) Date of departure not reported
(*h*) Granted 3 months' extension by the Secretary of State.

No.	NAMES.	SUBSTANTIVE APPOINTMENT.	DATE OF COMMENCEMENT OF FURLOUGH OR LEAVE.	DATE OF EXPIRY OF FURLOUGH OR LEAVE.
		NORTH-WESTERN PROVINCES—*continued.*		
		FURLOUGH—*continued.*		
25	G. S. D. DALE ...	Joint Magistrate, 2nd Grade ...	March 25, 1871 ...	March 24, 1873.
26	M. S. HOWELL ...	Do. do. Dehra ...	April 15, „ ...	Oct. 14, 1872.
27	W. BARRY ...	Assistant Magistrate, Banda ...	„ 8, „ ...	April 7, 1873.
28	T. F. HARKNESS ...	Do. do. Moradabad ...	„ 1, „ ...	June 30, 1872.
29	R. EVANS ...	Do. do. Boolundshuhur	Dec. 24, „ ...	Dec. 23, 1873.
30	J. A. MARCEL (*a*) ...	Do. do. Etah ...	April 8, „ ...	Oct. 7, 1871.
31	W. HOLMES ...	Do. do. Allyghur ...	„ 29, „ ...	Dec. 28, 1872.
32	M. D. E. S. CHALMERS ...	Do. do. Allahabad ...	Jan. 20, „ ...	Sept. 19, „
		SPECIAL LEAVE.		
		Nil.		
		NOTE.—Total absent ... ... 32 Total of Civil Servants employed in the North-Western Provinces ... 202 Percentage of Absentees ... ... 15·84		
		PUNJAB.		
		FURLOUGH.		
1	J. NAESMYTH ...	Commissioner ...	May 8, 1870 ...	May 7, 1872.
2	C. P. ELLIOTT ...	Deputy Commissioner, 2nd Class ...	March 14, „ ...	March 13, „
3	T. H. THORNTON (*b*) ...	Secretary to the Government of the Punjab.	Furlough for 22 months.	... ...
4	H. E. PERKINS ...	Deputy Commissioner, 2nd Class ...	April 1, 1871 ...	Oct. 25, 1872.
5	R. T. BURNEY (*c*) ...	Assistant Commissioner 1st Class ...	Jan. 16, 1870 ...	Jan. 15, „
6	J. W. SMYTH ...	Deputy Commissioner, 3rd Class ...	March 11, „ ...	March 10, „
7	J. D. TREMLETT ...	Assistant Commissioner, 2nd Class	April 1, „ ...	„ 31, „
8	T. W. SMYTH ...	Registrar, Chief Court, Punjab ...	March 11, „ ...	„ 10, „
9	W. COLDSTREAM ...	Assistant Commissioner, 2nd Class	Furlough for 2 years.	
10	H. PRIESTLEY (*d*) ...	Do. do. 3rd Class	Ditto for 20 months.	
		SPECIAL LEAVE.		
1	J. W. MACNABB ...	Deputy Commissioner, 1st Class ...	Six months' special leave with 30 days' subsidiary leave from 3rd December 1871.	
		NOTE.—Total absent ... ... 11 Total of Civil Servants employed in the Punjab ... ... 75 Percentage of Absentees ... ... 14·6		
		OUDH.		
		FURLOUGH.		
1	W. C. CAPPER ...	Commissioner	April 15, 1871 ...	October 14, 1872.
2	J. W. QUINTON, B. A. ...	Deputy Commissioner	„ 1, „ ...	March 31, 1873.
3	A. G. WALKER ...	Assistant Commissioner, 3rd Grade..	October 23, 1870 ...	October 22, 1872.
		SPECIAL LEAVE.		
		Nil.		
		NOTE.—Total absent ... ... 3 Total of Civil Servants employed in Oudh ... ... 25 Percentage of Absentees ... 12		

(*a*) Granted 6 months' extension by the Secretary of State.
(*b*) Availed himself of preparatory leave on the 18th March 1871.
(*c*) Reported his return on 12th January 1872.
(*d*) Availed himself of preparatory leave on the 11th January 1871.

No.	NAMES.	SUBSTANTIVE APPOINTMENT.	DATE OF COMMENCEMENT OF FURLOUGH OR LEAVE.	DATE OF EXPIRY OF FURLOUGH OR LEAVE.
		CENTRAL PROVINCES.		
		FURLOUGH.		
1	J. H. MORRIS	Chief Commissioner	July 13, 1870 ...	July 12, 1872.
2	W. M. LOW	Commissioner, Narbada Division ...	June 7, 1871 ...	June 6, 1873.
		SPECIAL LEAVE.		
		Nil.		
		NOTE.—Total absent ... ... 2 Total of Civil Servants employed in the Central Provinces ... 26 Percentage of Absentees ... 7·7		
		BRITISH BURMAH.		
		Nil.		
		NOTE.—Grand Total of Absentees ... 100 Grand Total of Civil Servants employed on the Bengal Establishment ... ... 616 Percentage of Absentees ... 16·23		

No. 434.—The following promotions are made in the British Burmah Commission with effect from November 1st, 1871 :—

Mr. R. F. St. A. St. John, Assistant Commissioner, 2nd Grade, to be Assistant Commissioner, 1st Grade.

Mr. C. J. F. S. Forbes, Assistant Commissioner, 3rd Grade, to be Assistant Commissioner, 2nd Grade.

Mr. W. C. Midwinter, Officiating Assistant Commissioner, 3rd Grade, to be Assistant Commissioner, 3rd Grade.

JUDICIAL.

The 25th January 1872.

No. 123.—The Hon'ble Elphinstone Jackson, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained furlough to Europe for eight months, with effect from the 29th February next, or the subsequent date on which he may avail himself of the same.

EDUCATION.

The 26th January 1872.

No. 62.—APPOINTMENT.—Captain A. Farrer, Assistant Commissioner, to officiate temporarily as Director of Public Instruction in Berar, with effect from the forenoon of the 23rd ultimo.

POLICE.

The 24th January 1872.

No. 79.—The services of Captain M. Ramsay, of the Bengal Staff Corps, are replaced at the disposal of the Government of the Punjab.

E. C. BAYLEY,
Secretary to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

POLITICAL.

Fort William, the 23rd January 1872.

No. 194*P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. G. Bircher as Consul for the German Empire at Aden.

GENERAL.

The 22nd January 1872.

No. 154*G.*—APPOINTMENT.—Captain G. F. Blowers, Bombay Staff Corps, to be Boundary Settlement Officer in Bundlecund, in the room of Lieutenant E. E. Gibson.

No. 157*G.*—On the afternoon of the 4th December 1871 Mr. J. D. La Touche assumed charge of his appointment as Settlement Officer of Ajmere.

The 23rd January 1872.

No. 176*G.*—APPOINTMENT.—Assistant Surgeon T. H. Hendley, in medical charge of the Meywar Bheel Corps, to officiate in medical charge of the Marwar Political Agency, in the room of Assistant Surgeon J. H. Newman, M.D.

C. U. AITCHISON,
Secretary to the Govt. of India.

The 26th January 1872.

No. 189*G.*—Assistant Surgeon W. M. Courtney, Bengal Medical Service, to officiate as Medical Officer of the Malwa Bheel Corps, with effect from the 4th November 1871, on the forenoon of which date he assumed charge from Surgeon A. D. Campbell.

No. 191*G.*—ERRATUM.—In the Notification of this Department, No. 222M, dated 8th September 1871, appointing Lieutenant J. N. S. Kirkwood to the Meywar Bheel Corps, *for* "Doing Duty Officer," *read* "Officiating Wing Subaltern."

H. LEPOER WYNNE,
for *Secretary to the Govt. of India.*

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

SEPARATE REVENUE.

(CUSTOMS).

Fort William, the 26th January 1872.

No. 707.—In exercise of the power conferred by Section 6 of the Indian Tariff Act, 1871, the Governor General in Council is pleased to fix Rs. 15 per barrel or sack of 200 lbs. as the value, for the purposes of the said Act, of flour imported by sea into British India.

SEPARATE REVENUE.

(POST OFFICE.)

The 25th January 1872.

No. 614.—Under the provisions of Section 21 of the Indian Post Office Act, 1866, the Governor General in Council is pleased to rule that on every Newspaper posted under the conditions specified in the Notification of this Department, No. 957, dated 2nd June 1871, which shall be re-directed at any Post Office, there shall be charged for the postage thereof from the place at which the same shall be re-directed and for every subsequent re-direction, in addition to all other postage paid or due thereon, the rate of postage to which it was liable at pre-paid rates at the Post Office at which it was originally posted.

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 22nd January 1872.

No. 60 *of* 1872.—The services of Assistant Surgeon H. J. Linton, of the Medical Department, attached to the 40th (The Shahjehanpore) Regiment of Native Infantry, are placed, temporarily, at the disposal of the Home Department.

No. 61 *of* 1872.—Native Medical Pupil Doorga Churn, No. 197, passed the prescribed English qualification examination on the 11th December 1871, according to the test laid down in G. G. O. No. 945 of the 7th October 1868.

The 23rd January 1872.

No. 62 *of* 1872.—The under-mentioned Officer is allowed furlough to Europe:—

Captain Edward G. Lillingston, of the Bengal Staff Corps, Assistant Commissioner, Bengal,—for two years, under the Regulations of 1868.

No. 63 *of* 1872.—The under-mentioned Officer is allowed furlough to Europe on medical certificate:—

Lieutenant Arthur Conolly, of the Bengal Staff Corps, Quarter Master, 5th Punjab Infantry, Punjab Frontier Force,—for twenty months, under the Regulations of 1868, embarking at Bombay.

No. 64 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Captain (Brevet Lieutenant Colonel) H. G. Deedes, of the 2nd Battalion, 60th Rifles, Private Secretary and Aide-de-Camp to the Lieutenant Governor, Punjab, to be an Assistant Adjutant General of Division on the establishment from the 1st February next, *vice* Lieutenant Colonel W. G. D. Massy, who assumes the command of his regiment.

The 24th January 1872.

No. 65 *of* 1872.—The services of Lieutenant Colonel E. Davidson, of the Royal Engineers, are placed at the disposal of the Public Works Department, with effect from the 16th instant.

No. 66 *of* 1872.—Under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that Captain Charles David Peter Nott, of the late 4th European Regiment, has been placed on the retired list, with the half-pay pension of his rank, with effect from the 7th June 1871.

No. 67 *of* 1872.—His Excellency the Governor General in Council is pleased to publish, for general information, the following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 327, dated the 14th of December 1871:—

"13.—Her Majesty has been pleased to grant permission to the Poona Horse to bear on its colours and appointments the word 'Corygaum,' in commemoration of the part taken by a detachment of the corps, then called the 'Poona Auxiliary Horse,' in an engagement with the Peishwa's army on the 1st January 1818."

"15.—Her Majesty has been pleased to grant permission to the 16th (Lucknow) Regiment of Bengal Native Infantry to bear on its colours and appointments the design of a 'turreted gateway,' in recognition of the good service rendered by the Sepoys who formed the nucleus of the corps in the defence of the Baillie Guard Gate during the siege of the Residency of Lucknow."

No. 68 *of* 1872.—ERRATUM.—In G. G. O. No. 679 of the 10th July 1868, admitting certain men of the 4th Cavalry, Hyderabad Contingent, to pension, in the column "Monthly Stipend," opposite the name of Trooper Humzah Khan, for Rupees "*5-0-0," read *Rupees* 3-8-0, and opposite to that of Trooper Jowahir Sing, for Rupees "3-8-0," read *Rupees* *5-0-0.

Order books to be corrected accordingly.

No. 69 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Surgeon John Bishop King, M. D., of the Medical Department, 2nd Medical Officer of the Settlement of Port Blair,—for two years, under the Regulations of 1868.

No. 70 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Lieutenant Colonel P. S. Yorke, of Infantry, 2nd in Command and Squadron Officer, 12th Bengal Cavalry,—date of arrival at Bombay, 7th January 1872.

Lieutenant Colonel F. J. Stephenson, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 7th Regiment of Native Infantry,—date of arrival at Fort William, 18th January 1872.

The 25th January 1872.

No. 71 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

5th Goorkha Regiment (*The Hazara Goorkha Battalion*).

Surgeon J. R. Johnson, in medical charge, Corps of Guides, Civil Surgeon, Srinuggur, Cashmere, to the medical charge, *vice* Assistant Surgeon A. Skeen, M. B., appointed to another situation.

No. 72 *of* 1872.—With reference to G. G. O. No. 790, dated 14th September 1871, notifying an exchange of services between Captain T. Myles Sandys, Bengal Staff Corps, and Brevèt Major H. A. Little, 7th Foot, the under-mentioned Officer has reported his arrival :—

Captain (Brevet Major) H. A. Little, of the Bengal Staff Corps,—date of arrival at Fort William, 18th January 1872.

No. 73 *of* 1872.—Under the authority of Her Majesty's Government, the Right Hon'ble the Governor General in Council is pleased to direct the substitution of the following scale of full and half hutting allowances to be passed to the Native Army in the Bengal Presidency, for that notified in G. G. O. No. 261 B of the 15th August 1845 :—

	FULL.			HALF.		
	Rs.	A.	P.	Rs.	A.	P.
Subadar	45	0	0	22	8	0
Jemadar	22	8	0	11	4	0
Havildar / Naick	15	0	0	7	8	0
Private / 1st Class Follower	8	0	0	4	0	0
2nd Class ditto	5	0	0	2	8	0

No. 74 *of* 1872.—The under-mentioned Officer has been allowed furlough to Europe on medical certificate :—

Surgeon George Dalziel Riddell, of the Madras Medical Department, in medical charge, 3rd Infantry, Hyderabad Contingent,—for twenty months, under the Regulations of 1868, with effect from the 13th May 1871, the date of his departure from Bombay.

No. 75 *of* 1872.—Under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that Officers of the rank of Captain will be eligible for appointment to the posts of Adjutant, Quarter Master, and First Wing and Squadron Subaltern in Native Regiments.

2. When a Captain is appointed to one of these posts or is retained in it after his promotion to that rank, the tenure of his appointment will be limited to five years from date of the order appointing or re-appointing him, but he will be eligible for re-appointment at the end of that time.

3. As a rule, the appointment of Second Subaltern will be held only by Officers of Subaltern rank, but unemployed Captains of the Indian Army or Staff Corps may be allowed to act in that post when eligible, and when it may be absolutely vacant, at the discretion of His Excellency the Commander-in-Chief.

4. Officers of the rank of Captain holding such appointment will of course be held available for the performance of Subaltern's duties.

5. Captains holding the post of Adjutant, Quarter Master, or First Wing or Squadron Subaltern, will be eligible to retain their appointments on furlough under the usual restrictions.

No. 76 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Captain Thomas Dawes, of the Bengal Staff Corps, Adjutant, 17th (The Loyal Poorbeah) Regiment of Native Infantry,—for two years, under the Regulations of 1868.

No. 77 *of* 1872.—The following promotion and alterations of rank are made, subject to Her Majesty's approval :—

Promotion.

CORPS	RANK AND NAME.	TO WHAT RANK PROMOTED	FROM WHAT DATE	IN WHOSE ROOM.
General List Cavalry.	Lieutenant (Brevet Captain) Richard Tickell Montgomery Lang.	Captain...	17th Jan. 1872.	Captain (Brevet Major) F. W. Russell, late 3rd European Light Cavalry, deceased.

Alterations of Rank.

CORPS	RANK AND NAMES	TO RANK FROM	IN WHOSE ROOM.
General List Infantry.	Captain Walter Jones ...	7th June 1871.	Captain C. D. P. Nott, late 4th European Regiment, placed on the Retired List.
	Captain Alexander Jeffery Nicholson.	29th June 1871.	Captain W. F. S. Perry, General List Infantry, removed from the list of the Bengal Army.
	Captain Archibald Cuthbert Bigg Wither.	11th July 1871.	Captain W. L. P. Drummond (Staff Corps), Cadre of the late 38th Native Infantry, deceased.

No. 78 *of* 1872.—The following promotions are made from the dates specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.

To be Colonel.

Lieutenant Colonel William Forbes, Bengal Infantry,—25th January 1872.

To be Captains.

Lieutenant John Baillie Ballantyne Dickson, General List Cavalry, and Lieutenant Major Henry Court, General List Cavalry,—20th January 1872.

No. 79 *of* 1872.—The under-mentioned Officers of the Staff Corps, having completed five years' service as substantive Lieutenant Colonels, are promoted to the rank of Colonel by Brevet, from the date specified, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval :—

Lieutenants Colonel Lumley Hodgson Huskisson Holland, Madras Staff Corps; Charles William Taylor, Madras Staff Corps; and William Stevens Davis, Madras Staff Corps,—25th January 1872.

No. 80 *of* 1872.—The under-mentioned Officers of the Bengal Staff Corps, having completed 20 years' service, are promoted to the rank of Major, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Captain (Brevet Major) Hugh Ley Millett, Captain Evelyn Pulteney Gurdon, Captain (Brevet Major) Frederick Thomas Bainbridge, and Captain (Brevet Major) George Vincent Fosbery, V. C.,—20th January 1872.

No. 81 *of* 1872.—Under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that an Officer of the Indian Army who may be allowed by the Government of the Presidency to which he belongs to accept the appointment of Aide-de-Camp to the Governor of a Colony, or to a General Officer holding a Command out of India, will receive the pay proper of his rank from Indian revenues.

2. The tenure of such an appointment will be limited to five years, the incumbent being liable to be recalled to India whenever the Government of the Presidency to which he belongs may require his services. Half of the time so passed out of India will reckon towards Indian pension.

The 26th January 1872.

No. 82 *of* 1872.—His Excellency the Governor General in Council is pleased to prescribe the following rates of Hospital stoppages to be made from Warrant Officers and Non-Commissioned Officers acting in the Warrant Grade when admitted into Military Hospitals :—

		Per diem.
1st Class Warrant Officers, *viz.*, Deputy Commissaries, Assistant Commissaries, and Deputy Assistant Commissaries ...	Rs.	1 4 0
All other Warrant Officers	„	0 12 0
Non-Commissioned Officers acting as Warrant Officers ...	„	0 8 0

2. When serving with an Army in the Field, or if in Hospital for wounds received in action, the deduction on account of Hospital charges will be restricted to 8 annas per day in the case of all Warrant Officers, whether permanent or acting.

No. 83 *of* 1872.—The under-mentioned individual is transferred to the Pension Establishment on the pension of his rank :—

Jemadar Mahomed Bux, 22nd Regiment Punjab Native Infantry.

No. 84 *of* 1872.—The following orders issued by the Resident at Hyderabad are confirmed :—

No. 5, *dated* 15*th January* 1872.—Confirming the Regimental order issued to the 1st Infantry Hyderabad Contingent, dated 12th December 1871, directing Captain A. C. Havelock, 2nd in Command, to officiate as Commandant, Captain R. J. McGhee, Adjutant, to officiate as 2nd in Command, and Lieutenant A. C. LeQuesne, Wing Subaltern, to officiate as Adjutant, in addition to his own duties, until further orders, consequent on the departure of Major A. C. Lilly, Officiating Commandant, to assume Command of the 4th Infantry.

No. 6, *dated* 15*th January* 1872.—Granting Lieutenant Colonel E. W. Dun, Commandant, 6th Infantry Hyderabad Contingent, thirty days' leave of absence to Bombay, from the 15th January 1872, or date of departure, to appear before a Medical Board, preparatory to his obtaining furlough to Europe on medical certificate.

No. 85. *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Colonel John Douglas Campbell, of the Royal Engineers, Superintending Engineer, 1st Grade, Department Public Works, Punjab,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain James Richard Marett, of the Bengal Staff Corps, Supernumerary Assistant Commissioner, Sultanpore, Oudh,—for two years, under the Regulations of 1868.

No. 86 *of* 1872.—The following extract from the *London Gazette* of the 22nd December 1871, pages 5780 and 5781, is published for general information :—

London Gazette of the 22nd December 1871, *page* 5780.

WAR OFFICE, PALL MALL,
22nd December 1871.

Brevet.

Colonel Frederick Richard Pollock, C. S. I., Bengal Staff Corps, to have the local rank of Major General while employed on special duty in Persia and the adjacent countries. Dated 23rd December 1871.

London Gazette of the 22nd December 1871, *page* 5781.

The under-mentioned promotions and alterations of rank to take place in Her Majesty's Indian Military Forces consequent on the death of General Thomas Mathew Taylor, Bengal Cavalry, on the 2nd September 1871 :—

Lieutenant General Eyre Evans Bruce, Madras Infantry, to be General. Dated 3rd September 1871.

The under-mentioned Officers will rank as follows :—

Lieutenant General David Simpson, Bengal Infantry. Dated 3rd September 1871.

Lieutenant General Edward Altham Cumberlege, Bengal Infantry. Dated 17th September 1871.

Lieutenant General John Macdonald, Bengal Infantry. Dated 26th September 1871.

Major General Frederick Maitland, Bengal Infantry. Dated 3rd September 1871.

Major General Henry Nott, Madras Staff Corps. Dated 17th September 1871.

Major General John Talbot Shakespear, Bengal Staff Corps. Dated 26th September 1871.

The under-mentioned promotions to take place under the operation of Clause 24 of the Royal Warrant of the 27th December 1870 consequent on the death of Lieutenant General Sir George Inglis Jameson, K. C. S. I., Her Majesty's Indian Army, on the 24th October 1871 :—

Brevet Colonel John Alfred Street, C. B., from Lieutenant Colonel, half-pay, late Depôt Battalion, to be Major General, dated 6th March 1868, such ante-date not to carry back pay prior to 25th October 1871.

* * * * *

Consequent on the above promotion of Colonel Street to be Major General, the whole of the Officers of the Indian Staff Corps, including the General Officers, are transferred to the British Establishment, under the operation of Clauses 25 and 39 of the Royal Warrant of 27th December 1870.

No. 87 *of* 1872.—The following Military letter from the Right Hon'ble the Secretary of State for India is published for general information :—

MILITARY. INDIA OFFICE;
No. 340. *London, 29th December* 1871.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—The under-mentioned Officers and Warrant Officer have been permitted to return to their duty, *viz.* :—

Major General F. Turner, R. A., C. B.
Colonel G. R. Cookson.
Lieutenant Colonel G. W. M. Hall.
" " W. N. Lees.
" " P. S. Yorke.
" " J. F. Stafford.
" " H. B. A. Poulton.
Major H. M. Wemyss.
" A. H. Bamfield.
" W. Gordon.
" C. T. Lane.
" H. Mackenzie.
" G. B. C. Simpson.
" H. A. W. Waterfield.
" L H. Williams.
Captain G. B. P. Alcock.
" W. Snow
" J. C. Minto.
" D. H. Robertson.
" H. Wylie.
" W. R. Martin.
" J. M. Graham
" J. E. U. Howey.
" F. N. M. Maynard.
Lieutenant E. B. Bishop.
" J. E. P. Mosley.
" J. C. Ross, R. E.
Surgeon B. Kendall.
" F. H. O'Donel, M. D.
Conductor A. S. Sinclair.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, *viz.* :—

Lieutenant Colonel E. S. Jackson	...	...	2 months
" " T. Wheler	...	...	6 "
Major C. A. de Kantzow	...	...	6 "
Captain R. C. Danbuz	..	...	6 "
" J. G. Barlow	...	...	6 "
" W. B. Aislabie	...	...	1 month.
" D. H. Robertson	...	...	1 "
" H. W. Shoubridge	...	...	6 months.
" G. Atkins	..	..	6 "
" C. Garsia	...	..	3 "
" G. Young	...	...	6 "
Lieutenant S. A. Swinley	...	...	6 "
Surgeon B. W. Switzer	...	...	6 "
Veterinary Surgeon E. J. Batt	...	...	6 "

3. The under-mentioned Officers have been permitted to retire from the service from the dates specified, *viz.* :—

Lieutenant Colonel J. Lewin,* 27th November 1871.

* Intended for Lieutenant Colonel J. Leven, Staff Corps.

Surgeon Major R. K. Buckell, 12th March 1872.
" " J. Squire, 28th December 1871.

No 88 *of* 1872.—Shaikh Mohammed Hossain, Student of the Agra Medical School having passed the prescribed examination, is admitted into the service as an Hospital Assistant, of the 3rd Class, with effect from the 13th January 1872, and placed at the disposal of the Inspector General of Hospitals, Indian Medical Service.

No. 89 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Captain (Brevet Lieutenant Colonel) H. A. Brownlow, of the Royal Engineers Superintending Engineer, 1st Grade, Department Public Works, North-Western Provinces; Majors J. R. Currie, of the Bengal Staff Corps, and W. Playfair, of the Bengal Staff Corps, Wing Officer, 13th (The Shekhawattee) Regiment of Native Infantry; Captain F. W. Collis, of the Bengal Staff Corps, and Lieutenant J. C. Ross, of the Royal Engineers, Executive Engineer, 3rd Grade, Department Public Works, North-Western Provinces,—date of arrival at Bombay, 12th January 1872.

No. 90 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Stud Department.

First Class Veterinary Surgeon J. J. Meyrick, doing duty with D. Battery, 8th Brigade, Royal Artillery, to officiate in Veterinary charge of the Kurnal Home Stud, during the absence on furlough to Europe of Veterinary Surgeon G. Kettlewell, or until further orders.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 20th January 1872.

No. 40.—Captain A. C. B. Wither, Executive Engineer, 4th Grade, is, on return from furlough, posted to the Indus Valley (State) Railway.

The 22nd January 1872.

No. 41.—Mr. T. Allen, Assistant Engineer, 2nd Grade, attached to the Indore (State) Railway, availed himself, on the 8th instant, of the twelve months' leave, on medical certificate, granted him in Public Works Department Notification No. 19 of the 10th instant.

The 23rd January 1872.

No. 42.—Private F. Farrell, Overseer, 1st Grade, Port Blair, is remanded to Military duty.

No. 43.—Lance Sergeant S. Dennison, Probationary Overseer, 1st Grade, Port Blair, is appointed permanently to the Public Works Department in that grade.

No. 44.—Mr. J. H. Wilson, Executive Engineer, 2nd Grade, Central Provinces, has been allowed by the Secretary of State three months' leave, on medical certificate, in extension of the leave for 18 months granted in Public Works Department Notification No. 299 of the 1st September 1870.

No. 45.—Lieutenant W. G. Nicholson, R.E., is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, and posted to Hyderabad.

No. 46.—Lance Corporal R. McIntosh and Gunner J. Harvey, Probationary Overseers, 1st Grade, Hyderabad, are permanently appointed to the Public Works Department in that grade.

No. 47.—Captain L. Conway-Gordon, R.E., Deputy Consulting Engineer, officiated as Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, from 29th November to 22nd December 1871, both days inclusive.

No. 48.—The following promotions, postings and transfers, are ordered in the Control Establishment of the Accounts Branch of the Public Works Department, the promotions to have effect from the 19th December 1871 :—

PROMOTIONS.—Captain A. J. Filgate, R.E., Assistant Accountant General to the Government of India, with rank of Controller, 2nd Class, 2nd Grade, to rank as Controller, 2nd Class, 1st Grade.

Mr. T. Moss, Controller, 2nd Class, 3rd Grade, British Burmah, to be Controller, 2nd Class, 2nd Grade.

Captain E. A. Trevor, R.E., Controller, 2nd Class, 4th Grade, Hyderabad, to be Controller, 2nd Class, 3rd Grade.

Lieutenant R. A. Sargeaunt, R.E., Executive Engineer, 4th Grade, and Officiating Examiner of Railway Accounts, Bombay, is confirmed in the latter post with the rank of Controller, 2nd Class, 4th Grade.

POSTINGS AND TRANSFERS.—Mr. J. Robinson, Controller, 2nd Class, 4th Grade, Examiner of Railway Accounts, Bombay, and Officiating Controller of Public Works Accounts in Mysore, to the charge of the Accounts of the Indus Valley Railway, but to continue to officiate in Mysore until further orders.

Mr. W. Goodenough Bayly, B.A., Deputy Controller and Officiating Examiner of Accounts to the Government of India for Guaranteed Railways, is posted as Deputy Controller to Bengal.

Mr. T. Wood, Assistant Controller, 1st Grade, and Officiating Deputy Controller, Bengal, to officiate as Deputy Controller, Indus Valley (State) Railway, during the absence of Mr. Robinson, or until further orders.

Mr. F. Hutchinson, Assistant Controller, 3rd Grade, from Rajpootana to Bengal, *vice* Wood.

Mr. P. A. Buckland, Assistant Controller, 3rd Grade, from Bengal to the Office of the Accountant General to the Government of India, Public Works Department.

The 24th January 1872.

No. 50.—Major F. T. Pollock, Madras Staff Corps, Executive Engineer, 2nd Grade, Bengal, is removed from the Public Works Department, and his services are replaced at the disposal of the Military Department.

The 25th January 1872.

No. 51.—Mr. J. P. Vansittart is appointed to the Public Works Department as an Executive Engineer of the 4th Grade, and posted to the Indus Valley (State) Railway.

No. 52.—Mr. J. Sheldon, Executive Engineer, 3rd Grade, Rajpootana, is granted three months' leave on urgent private affairs, without pay, from such date as he may avail himself of it.

No. 53.—Mr. D. Joscelyne, Assistant Engineer, 3rd Grade, Rajpootana, is promoted to the 2nd Grade, with effect from 13th November 1871.

No. 54.—Mr. G. H. R. Deverell, Assistant Engineer, 3rd Grade, on probation, is transferred from the Punjab Northern to the Indus Valley (State) Railway.

No. 55.—Baboo Gopaul Chunder Banerjee, Accountant, 3rd Grade, attached to the Office of the Accountant General, Public Works Department, has been granted privilege leave of absence for one month, with effect from the 1st January 1872.

No. 56.—Mr. G. J. A. Engel, Accountant, 3rd Grade, attached to the Office of the Accountant General, Public Works Department, has been permitted to resign his appointment, with effect from the 3rd January 1872, inclusive.

No. 57.—Mr. H. E. Fitzsimon is appointed an Accountant of the 3rd Grade, and posted to the Accountant General's Office, *vice* Engel, with effect from the 24th January 1872.

The 26th January 1872.

No. 58.—Mr. A. H. Curling, Assistant Engineer, 2nd Grade, Rajpootana, is permitted to resign his appointment in the Public Works Department.

No. 59.—Mr. J. Sheldon, Executive Engineer, 3rd Grade, Rajpootana, is transferred to Central India.

TELEGRAPH.

The 23rd January 1872.

No. 49.—Mr. N Godfrey, Assistant Compiler of Telegraph Accounts, is removed from the service of Government.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 27, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

INDORE (STATE) RAILWAY.

NOTIFICATION.

The Government of India has been pleased to accept the tender of Messrs. Hood, Winton, Mills, and Oag, Bombay, on a schedule of rates, for the construction of the Indore (State) Railway from Khundwa to Indore.

C. H. DICKENS, *Colonel, R.A.,*
Secy. to the Govt. of India, P. W. Dept.

AGRA DISTRICT, RAJPOOTANA (STATE) RAILWAY.

NOTIFICATION.

The Government of India has been pleased to accept the tender of Messrs. Glover and Company, Bombay, on a schedule of rates, for the construction and maintenance, for two years, of the Agra District of the Rajpootana (State) Railway from Agra to Sambhur.

C. H. DICKENS, *Colonel, R.A.,*
Secy. to the Govt. of India, P. W. Dept.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The under-mentioned Candidates have passed the Examination for the Degree of Bachelor of Arts:—

FIRST DIVISION.

In Order of Merit.

1	Rajaninath Ráy	...	Presidency College.
2	Batakrishna Sen	...	Ditto.
3	Biharilál Bandyopádhyay	...	Ditto.
4	Sasibhushan Datta	...	Ditto.
5	Manmathakumár Basu	...	Ditto.
6	Brajendranáth De	...	Canning College, Lucknow.
7	Bipinvihári Dás	...	Presidency College.
8	Tárapada Ghoshál	...	Ditto.
9	Khiradchandra Ráychaudhuri	...	Ditto.
10	Sajanikánta Chattopádhyay	...	Ditto.

SECOND DIVISION.

In Alphabetical Order.

	Bagchi, Annadaprasad	...	Kishnaghur College.
	Bandyopadhyáy, Chandrakumar	...	Calcutta Free Church Institution.
	Basu, Asutosh	..	Cathedral Mission College.
	„ Kesavkumar	...	Presidency College.
	Bhattacharyya, Narayanchandra	...	Calcutta Free Church Institution.
	Chattopadhyáy, Kirtichandra	...	Patna College.
	„ Upendranath	...	Presidency College.
	Chaudhuri, Sasibhushan	. .	Hooghly College.
	Currie, F.	. .	St. Xavier's College.
10	De, Gaurcharan	...	Dacca College.
	„ Purnachandra	...	General Assembly's Institution.
	Dev, Bhutnath	.	Patna College.
	Gangopadhyáy, Rajanikanta	...	Presidency College.
	Ghoshál, Saratkumár	.	Ditto.
	Hanumanprasad	...	Canning College, Lucknow.
	Kar, Girischandra	. .	Presidency College.
	„ Umacharan	...	Hooghly College.
	Lahiri, Jogendranath	...	Calcutta Free Church Institution.
	Madangopal	...	Delhi College.
20	Mallik, Lalitmadhav	.	Presidency College.
	Mitra, Bisvambhar	.	Ditto.
	„ Surendranath	...	Cathedral Mission College.
	Mukhopádhyáy, Chandrasekhar No. 2	...	Presidency College.
	„ Girindranath		Kishnaghur College.
	„ Hardas	.	Presidency College.
	„ Kálinath	...	Kishnaghur College.
	„ Pramadanath	...	Hooghly College.
	Nandi, Ramanchandra	...	Presidency College.
	Popelay, Lachmandas	...	Delhi College.
30	Ráy, Durgasundar	. .	Dacca College.
	„ Navinchandra	...	Cathedral Mission College.
	„ Purnachandra	...	Ditto.
	„ Saradaprasanna	...	Presidency College.
	Raychaudhuri, Devendrakumar	...	Ditto.
	Rebello, P. T.	...	St. Xavier's College.
	Rothwell, J. M. G.	...	Bishop's College.
	Sarkár, Dinanáth	...	Kishnaghur College.
	Sen, Amvikácharan	...	Presidency College.
	„ Haricharan	...	Calcutta Free Church Institution.
40	Sivpratav Narayan	...	Patna College.

THIRD DIVISION.

In Alphabetical Order.

	Atmaram Mahta	Lahore College.
	Bandyopádhyáy, Jadunath	Cathedral Mission College.
	„ Maheschandra	Patna College.
	„ Rámnarayan	Presidency College.
	Basak, Rasamay	Dacca College.
	Basu, Atulchandra	Presidency College.
	„ Binadvihári	General Assembly's Institution.
	„ Hemchandra	Ditto.
	„ Jogendrachandra	Teacher.
10	„ Jogeschandra	Presidency College.
	„ Sasibhushan	General Assembly's Institution.
	Chattopadhyay, Amritalal	Cathedral Mission College.
	„ Nilkanta	Calcutta F. C. Institution.
	Dás, Mahendranath	General Assembly's Institution.
	„ Nandalál	St. Xavier's College.
	De, Lalvihari	Calcutta F. C. Institution.
	„ Nilmadhav	General Assembly's Institution.
	Dev, Gopendrakrishna	Presidency College.
	Ghosh, Avinaschandra	Ditto.
20	„ Jadunáth	Calcutta F. C. Institution.
	„ Mahimchandra	Cathedral Mission College.
	„ Sasimohan	Berhampore College.
	Gomez, D.	Bishop's College.
	Guha, Asminikumar	Presidency College.
	Gupta, Chandranarayan	Patna College.
	„ Rajnarayan	Ditto.
	Kanjilal, Kailaschandra	Teacher.
	Majumdar, Mahendrachandra	Ditto.
	„ Ramdurlabh	Dacca College.
30	Mitra, Akshaykumar	Hooghly College.
	„ Bhuvanmohan	Calcutta F. C. Institution.
	„ Biháriláll	Cathedral Mission College.
	„ Bipinvihari	Presidency College.
	„ Devendranath	Calcutta F. C. Institution.
	Mukhopadhyay, Jaygopal	General Assembly's Institution.
	„ Saradaprasad, No. 2	Calcutta F. C. Institution.
	Nandi, Becharam	Teacher.
	„ Loknáth	Presidency College.
	Páin, Nandadulal	Ditto.
40	Pál, Jadunath	Ditto.
	Ráy, Purnachandra	Kishnaghur College.
	Sányál, Bhuvanmohan	Teacher
	„ Harischandra	Presidency College.
	Sarkár, Haradhan	Calcutta F. C. Institution.
	Sen, Bipinvihári	Hooghly College.
	„ Durgacharan	Presidency College.
	„ Jogneswar	Ditto.
	„ Maheschandra	Hooghly College.
	„ Ratneswar	Presidency College.
50	Thomson, J. F. (Junior)	Hooghly College.

J. SUTCLIFFE,

Registrar.

CALCUTTA UNIVERSITY,
The 26th January 1872.

REVENUE SURVEY DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 20th January 1872.

No. 27.—APPOINTMENT.—Lieutenant Alexander James Corse-Scott, Bengal Staff Corps, Probationary Assistant Superintendent, to the Delhi and Hissar Division Survey.

The 23rd January 1872.

No. 28 —APPOINTMENT —Mr. Arthur W. Smart, Apprentice, to be Probationary Assistant Revenue Surveyor, 4th Grade, with effect from the 1st instant.

D. C. VANRENEN, *Colonel, R.A.,*
Supdt. of Revenue Surveys, Upper Circle.

GREAT TRIGONOMETRICAL SURVEY OF INDIA.

NOTIFICATIONS.

Dehra Doon, the 17th January 1872.

No. 3.—The following promotions are made with effect from the dates specified :—

Mr. H. Beverley, Surveyor of the 2nd, to be a Surveyor of the 1st Grade, from 1st April 1871.

Mr. C. J. Neuville, Surveyor of the 3rd, to be a Surveyor of the 2nd Grade, from 1st October 1871.

The 22nd January 1872.

No. 4.—Mr. C. Goslin, Assistant Surveyor, 4th Grade, has been permitted to resign his appointment with effect from the 31st December 1871.

T. G. MONTGOMERIE, *Major, R.E.,*
Offg. Supdt., G. T. Survey of India.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department
	Rs.	Rs	Rs.	Rs	Rs
January 15th, 1872 ...	...	1,62,182	10,09,401	4,97,848	79,08,487
" 16th " ...	...	19,501	9,90,943	1,79,402	72,58,487
" 17th " ..			8,65,027	1,88,550	72,58,487
" 18th " ...	6,02,530	1,34,107	12,45,243	3,20,194	72,58,487
" 19th " ...	1,600	2,36,824	10,35,309	4,52,029	73,58,487
" 20th " ...	...	2,25,286	8,70,354	4,63,533	74,58,487

CALCUTTA MINT,
The 22nd January 1872.

J. F. TENNANT, *Lieut. Colonel,*
Offg. Mint Master.

Statement of Transactions of District Savings Banks for the week ending 25th January 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	65	4,278 6 0	20	1,253 15 0	1 0 5	1,76,269 11 10
N. W. Provinces ...	12	24	1,605 13 9	10	1,045 0 0	1 4 3	63,402 5 6
Punjab	13	15	2,825 10 0	3	170 9 0	0 3 6	42,050 3 11
Oude	3	6	650 0 0	4	445 0 0	...	19,694 5 11
Central Provinces ...	4	8	1,358 0 0	3	1,065 0 0	...	36,035 7 6
British Burmah ...	5	2	400 0 0	6	543 0 0	1 14 0	8,106 3 11
Berar	2	2	220 0 0	2	218 0 0	3 12 3	7,855 7 1
India	3	3	130 0 0	...	...	...	16,347 15 9
TOTAL ...	87	125	11,467 13 9	48	4,740 8 0	8 2 5	3,69,761 13 5

CALCUTTA,
The 25th January 1872.

HUGH D. SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal, for the week ending 23rd January 1872.

LIABILITIES.	Rs. A. P.	Rs. A. P.
Proprietors' Capital, paid-up ...		2,20,00,000 0 0
Reserve Fund		15,41,089 7 0
General Treasury Balance at Head Office	4,03,30,716 6 11	5,66,04,391 7 0
General Treasury Balance at Branches...	1,62,73,675 0 1	
Other Deposits at Head Office and Branches		2,33,53,776 10 8
Bank Post Bills, &c.... ...		8,03,009 13 11
Sundries		6,93,504 8 8
TOTAL ...		10,49,95,771 15 3

ASSETS.	Rs. A. P.	Rs. A. P.
Government Securities ...		94,24,358 4 0
Loans on Government Securities at Head Office and Branches ...		1,10,72,033 12 11
Accounts of Credit on Government Securities at Head Office and Branches		1,72,57,962 15 6
Mercantile Bills discounted at Head Office and Branches ...		1,75,17,233 4 4
Dead Stock		11,83,722 11 5
Stamps		14,390 15 0
Balances with other Banks ...		5,73,610 0 5
Sundries		2,24,947 13 3
		5,72,68,259 12 10
Cash and Currency Notes at Head Office	1,92,54,825 12 0	4,77,27,512 2 5
Cash and Currency Notes at Branches	2,84,72,686 6 5	
TOTAL ...		10,49,95,771 15 3

By Order of the Directors,

BANK OF BENGAL,
Calcutta; *25th January* 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th January 1872.

PARTICULARS.	3½ per cent Loan of 1853-54.	4 per cent Loan							4½ per cent.				5 per cent		5½ per cent	Debentures for			TOTAL AMOUNT.
		of 1824-25	of 1828 29	of 1832 33	of 1835-36	of 1842-43	of 1854-55	Transfer of 1865	of 1856-57	Transfer Loan dated 15th July 1870	Loan dated 4th July 1871.	Transfer Loan of 1872	P W. of 1854-55.	Loan of 1856-57.	Loan of 1859-60.	5 years @ 5 per cent. Repayable June 1872	10 years @ 5 per cent. Repayable June 1877	15 years @ 5 per cent. Repayable June 1882.	
Balance of 31st December 1871	53,100	20,374	2,347	19,98,615	40,17,600	1,49,43,100	1,21,40,000	1,32,87,900	14,500	33,54,700	8,75,000	1,92,97,800	...	1,49,50,500	4,13,41,900	22,82,000	33,11,000	36,50,000	13,55,40,236
Add—																			
Amount enfaced at Madras between 1st and 15th January 1872 . ..	..	...	...	...	12,500	11,0 0	...	5,000	...	1,100	...	...	...	...	...	...	...	...	29,600
Amount enfaced at Bombay between 1st and 15th January 1872 ...	..	...	..	..	...	10,000	5 0	1,000	..	...	...	..	...	...	...	...	...	...	11,500
Amount enfaced at Calcutta between 1st and 15th January 1872	.	.		..	800	36,000	50,000	28,000	...	2,600	.	32,47,700	.	...	59,000	...	...	1,000	34,25,100
TOTAL ...	53,100	20,374	2,347	19,98,615	40,30,900	1,50,00,100	1,21,90,500	1,33,21,800	14,500	33,58,400	8,75,000	2,25,45,500	...	1,49,50,500	4,14,00,800	22,82,000	33,11,600	36,51,000	13,90,06,436
Deduct—																			
Amount written off in the London Registers	...	..	...	4,268	31,100	83,100	15,500	3,17,300	.	6,000	..	1,15,500	...	12,37,000	7,72,500	1,000	...	1,000	25,84,268
Balance on 15th January 1872 .	53,100	20,374	2,347	19,94,347	39,99,800	1,49,17,000	1,21,75,000	1,30,04,500	14,500	33,52,400	8,75,000	2,24,30,000	...	1,37,13,500	4,06,28,300	22,81,000	33,11,000	36,50,000	13,64,22,168

NOTE —From 9th June 1867 to 15th Nov. 1871 enfaced from India 1,230 lakhs; re-transferred from London 1,025 lakhs.
" 16th Nov 1871 to 30th " " " " 3 " " " 23 "
" 1st Dec. " to 15th Dec " " " 10 " " " 140 "
" 16th " " to 30th " " " " 45 " " 70 "
" 1st Jan 1872 to 15th Jan 1872 " " 34 " " 25 "
1,322 " 1,283 "
1,283 "
Balance against India . 39 "

PUBLIC DEBT OFFICE.
BANK OF BENGAL;
Calcutta, the 18th Jan. 1872

R. HARDIE,
Depy. Secretary and Treasurer.

BANK OF BENGAL.

NOTICE.

Calcutta, the 26th January 1872.

The Directors have made the following changes in the Bank's Establishment:—

Mr. G. W. Moultrie to be Agent at Bombay *vice* Mr. Thomas Smith appointed Agent at Hyderabad (Deccan).

Mr. William Neill, of Jubbulpore Branch, to be Acting Agent at Nagpore in room of Mr. A. M. Lindsay appointed Acting Agent at Akyab.

Mr. R. T. Horsford, late Accountant at Mirzapore, to assume temporary charge of Jubbulpore Branch.

Mr. David Fraser, formerly Acting Agent Akyab, to assume his substantive appointment as Accountant of the Rangoon Branch.

Mr. E. J. Birch, of Head Office, to be Accountant at Akyab Branch.

Mr. John McGillivray, late Acting Agent at Akyab, has been transferred to Head Office.

Mr. E. F. Menzies, of Head Office, has resigned the Bank's service.

GEO. DICKSON,
Secretary and Treasurer.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 23rd January 1872.

Under the provisions of Section 21 of the Indian Post Office Act, 1866, the Governor General in Council is pleased to rule that on every newspaper posted under the conditions specified in the Notification of the Financial Department, No. 957, dated 2nd June 1871, which shall be re-directed at any Post Office, there shall be charged for the postage thereof from the place at which the same shall be re-directed, and for every subsequent re-direction in addition to all other postage paid or due thereon, the rate of postage to which it was liable at pre-paid rates at the Post Office at which it was originally posted.

The 24th January 1872.

The Mails for China and Australia will, in future, be sent *viâ Bombay* by the steamer which leaves that port at 4-30 P. M., on every alternate Tuesday in the fair season, and on every Monday in the south-west monsoon.*

* From the 6th May to the 23rd September both dates inclusive.

HUGH A. BROWN,
for *Offg. Dir. Genl. of the Post Office of India.*

The 23rd January 1872.

No. 218.—Mails for Ceylon, Penang, Singapore, Hong-Kong, China and Japan, for transmission per steamer from Bombay, will be closed at this office on Saturday, the 27th January, at 6 P. M.

No. 219.—Mails for Chittagong, Akyab, Kyouk Phyoo and Sandoway, for transmission per Steamer *Penang*, will be closed at this office on Monday, the 29th January, at 6 P. M.

No. 220.—Mails for Rangoon, Moulmein, Penang, Malacca and Singapore, for transmission per Steamer *Satara*, will be closed at this office on Monday, the 29th January, at 6 P. M.

No. 221.—Mails for Port Blair and Camorta, for transmission per Steamer *Scotia*, will be closed at this office on Sunday, the 4th February, at 6 P. M.

The 26th January 1872.

No. 222.—Mails for Madras and Ceylon, for transmission per Peninsular and Oriental Company's Steamer *Deccan*, will be closed at this office on Wednesday, the 31st January, at 6 P. M.

No. 223.—The next Overland Mail *viâ* Bombay will close on Friday, the 2nd February 1872.

2. Book post and pattern packets must be posted on the 1st.

N. B.—The Letter Box will close at 7 P M precisely, after which hour overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P M., or, bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât

The 22nd January 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 20th January 1872.

Atkinson, J.
Arnott, Mrs.

Britton, Miss H. G.
Barker, W. H.
Britten, A. M.
Bramble, C.
Berbeck, M.
Baldwin, Mrs. C. B.
Browne, H. E.

Connell, Mrs.
Chatelier, E.
Cave, Miss
Campbell, T.
Calver, Miss E.
Crouch, C.

Dunning, Mrs. R.
Donlevy, H.
Dunsford, R. C.

Farmer, H. R.
Fenloe, Miss S.
Finch, W. R.
Floyd, J. A.
Fakir Jamalooddeen.

Gibbons, J.
Gopal Chunder Burmo.
Gonsalves, Rev. S.
Greesh Chunder Banerjee.

Higgins, Mrs. M. A.
Henty, T. A.
Harrison, Mrs. A. M.
Hill, Lieut. J.
Holenbery, Mrs. S. J.

Jackson, L.
Jennins, C.

Lance, C. E.
Lawless, W. H.
Latham, G.
Logg, Dr. R. D.
Lawbert, G.
Leggett. Capt. J. B.

MacLean, N. S.
Maund, J.
Mellor, Mrs.
Manuel, Mrs. S.
MacLean, N. S.
McKenzie, Sergt. B.
McLeod, D. N.
Mackie, J.
Mackenzie, Esq.
McNeil, G.

Nelson, T. H.
Neelmoney Roy, Dey & Co.

Owen, S.
O'Flaherty, R.

Prichard, H. G.
Palmer, Mrs. J.
Premnauth Dutt, Chowdhoory and Co.

Ransome and Co.
Richardson, Mrs.
Ryan, H. E.

Smith, J.
Savi, F. N.
Stephenson, Col.
Smyth, S. A.
Spear, Rev. J.
Scott, G.
Smith and Co.
Schmidt, E. and Co.
Sage, R. P.

Tisbury, S.
The Manager, *Indian Public Opinion.*
Thompson, G.
The Manager, *Indian Antiquary.*
Thomas, W. C.
Taylor, G. B.

Weynton, A.
Wilson, Capt.
Walters, Mrs.
White, Mr.
Walker, P. J. R.
Walters, Capt.
Williams, Mrs. H.

W. H. McGOWAN,

Post Master of Calcutta

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 27, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

In the matter of the (English) Companies' Acts, 1862 and 1867, and in the matter of the Life Assurance Companies' Act, 1870, and in the matter of the European Assurance Company.

Whereas by an order made by the Vice-Chancellor Malins in the above matter, dated the 17th day of November 1871, Charles John Bunyon, of No. 19, Serjeant's Inn, Fleet Street, in the City of London, William Pollard Pattison, of No. 20, Cornhill, in the City of London, and Stephen Philpot Low, of No. 55, Parliament Street, in the County of Middlesex, were appointed Provisional Official Liquidators of the said Company, and empowered (amongst other things), to receive premiums on any Policies of Assurance of the said Company, and to carry the same to a separate account, to continue to carry on the business of the said Company so far as is necessary for keeping it together, and to collect and get in the outstanding assets of the Company, and for all or any of such purposes to do all acts and execute in the name and on behalf of the Company all deeds, receipts, and other documents.

Notice is hereby given, that all persons in British India indebted to or in possession of property or effects belonging to the said Company, are required forthwith to pay and deliver the same to Charles James Groom, and William Joseph Curtoys, carrying on businees in co-partnership together in Calcutta under the firm or style of Grindlay and Company, and at Bombay, in the name or firm of Grindlay, Groom and Company, the joint and several constituted Attorneys of the said Provisional Official Liquidators, and of the said Company appointed with the approval of the Court.

The Calcutta business of the said Company will, until further notice, be carried on at the office of Messrs. Grindlay and Company, No. 6, Strand, Calcutta, where premiums on Policies of Assurance granted by the Company, will be received and carried to a separate account, and where persons desiring information as to the Company are requested to apply.

Dated the 5th day of January 1872.

C. J. BUNYON,
W. P. PATTISON,
S. P. LOW.

By their Attorney,
W. J. CURTOYS.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Thirty-fourth Annual General Meeting of Subscribers to the above Institution will be held in the Town Hall on Saturday, the 27th January 1872, at 3 P. M., to receive the report of the Directors and to consider such matters as may then be submitted.

By order of the Directors,
GEO. W. KELLNER,
Secretary.

U. S. F. P. FUND OFFICE;
CALCUTTA,
The 16th December 1871.

Notice.

I, Henry William Johnson, have this day made over my right, title, and interests in the business of E. Morrison & Co., to Mr. E. Morrison.

H. W. JOHNSON.

In reference to the above notice, I, Edward Morrison, have this day taken over the entire business of E. Morrison & Co., under which style it will be continued, and to whom all debts are to be paid.

E. MORRISON.

NYNEE TAL,
The 12th January 1872.

Notice.

This is to give notice that the Partnership hitherto subsisting between the undersigned, Charles Scott and William Scott (trading in England and India under the style and firm of Charles and William Scott & Co.,) hath this day been dissolved by mutual consent so far as the said trade relates to India.

Dated this twenty-second of December one thousand eight hundred and seventy-one.

CHARLES SCOTT.
WILLIAM SCOTT.

Witness to the signatures of Charles Scott and William Scott.

WALTER B. JAMES,
23, *Ely Place, London,*
Solicitor.

In the Court of the Judge of the District of Bhaugulpore.

CITATION.

UNDER SECTION 250, ACT X OF 1865.

In the matter of the Estate of Charles Paterson, deceased. } Whereas an application, under the Indian Succession Act, 1865, for letters of administration to the Estate of Charles Paterson, late of Sugiampore, in the district of Bhaugulpore, has been made by his widow, Charlotte Paterson, of Sooltangunj, through her pleader Mr. Joseph Dacosta, and whereas the 17th day of February of the current year (1872) has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the Estate of the said deceased may, if he desire, appear in this Court on the said 17th day of February 1872, and show cause why the application of the said Charlotte Paterson should not be granted.

Given under my hand and seal of this Court this the 12th day of January in the year of our Lord one thousand eight hundred and seventy-two.

H. MADOCKS,
Judge.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4475	A/00 21562	100	Baboo Madhub Chunder Baira.
	A/00 17137	100	
	A/83 59706	50	
	A/83 63659	50	
	A/83 63658	50	
4476	A/00 35439	100	R. Reid, Esq.
4478	A/86 30171	1,000	Seth Jaith Mull.
4479	A/00 44257	100	The Post Master, Calcutta.
	A/00 47751	100	
	A/00 45384	100	
	A/00 21465	100	
	A/84 98092	100	
	A/83 43019	50	
	A/82 56289	20	
	A/82 11266	20	
	Notes partially lost or destroyed.		
		Rs.	
4472	A/79 86266	10	Baboo Bissumber Bhuttacherjee.
4473	A/71 48979 wrongly joined A/71 48969 wrongly joined	20	Baboo Jodunath Dutt.
4474	A/78 81703	10	Baboo Nobinchunder Shidhanto.
4477	A/00 79594	10	Lt. W. R. Jones.
	A/00 79595	10	
	A/00 79724	10	
	A/00 79598	10	
4480	A/73 73251	20	Baboo Wooma Nunda Chuckerbutty.
4482	A/00 02417	100	Baboo Kasubchunder Daw.
	A/00 41380	100	
	A/00 13684	100	
4481	A/75 75300 wrongly joined A/78 92414 wrongly joined	20	Baboo Rajnarain Dutt.
4483	A/83 47443	20	Baboo Pitamber Chuckerbutty.
	A/84 72554	20	
	A/74 31920	20	
	A/88 12610	10	
	A/97 72707	10	
	A/97 85740	10	
	A/97 22918	10	
	A/95 81875	10	
	A/80 95611	10	
	A/79 30022	10	
	A/98 95717	10	
	A/95 55955	10	
	A/98 33129	10	
	A/98 96230	10	
	A/95 21803	10	
	A/80 97571	10	
1433	A/87 39084	20	S. S. Stephens, Esq.
	A/87 85713	20	
2553	A/61 15326	10	Mrs. A. Clark.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 25th January 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

BOMBAY CIRCLE.

REGISTER NO.	NO OF NOTES	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
1871-72.		Rs.	
86 .	C/75 87072 ...	10	G. H. Wilkinson, Esq., Merchant, 5, Marine Street, Fort, Bombay.
	C/75 08979 ...	10 ...	
	C/75 59353 .	10	
87 ...	C/75 90856 ...	10 ...	Edwin Chambers, Esq., Superintendent, Offices of Registration, Stamps and Excise, C. P., Nagpore.
	C/75 97843 ...	10 ...	
	C/75 61508 .	10 ...	
	Notes partially lost or destroyed.		
1871-72.		Rs.	
A/87 ...	C/89 89249 wrongly joined C/89 89248	100 ...	Motoomul Hurriram, Khand Bazar, Mandvee Bunder, No. 14.

PAPER CURRENCY OFFICE; BOMBAY, *The 17th January* 1872.

A. R. GORDON, *Assistant Commissioner.*

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4 ...	E/5 00814 ...	10	Mrs. E. Hoff, Delhi.
6 ...	E/5 18160 ...	20	Shadawn Ram, Her Majesty's 7th Battalion, 12th Foot, Subathoo.
10 ...	E/4 18925 ...	50 ...	Goolab Sing, Banker, Simla.
	F/4 14677 ...	50 ...	
	Notes partially lost or destroyed.		
		Rs.	
7 ...	E/5 09674 wrongly joined E/5 09608	10 ...	Mr. C. H. Spitta, Lahore.
1 ..	E/3 20130 ...	50 ...	Ram Narain and Khem Chand, Bankers, Delhi.
	F/4 14142 .	50	
2 ...	E/4 20945 wrongly joined E/4 20946	50	Vishnoo Narayen, of Great Indian Peninsula Railway, Bombay.
3 ...	E/4 20181 ...	50	Baboo Deena Nath Ghose, of Chenab Bridge Division, Punjab Northern State Railway.
5 ...	A/17 37450 ...	10 ..	Mahtab Beebee of Multan.
	A/18 93651 ...	10 .	
8 ...	A/18 60326 wrongly joined A/18 6027	10 ...	Lala Gokul Chund, Post Master General's Office, Lahore.
9	E/5 19644 ...	10 ...	Noobhai Ismailjee, Merchant, Rawulpindee.
	E/5 19645 ...	10 ...	
	E/5 19646 ...	10 ...	
	E/5 19647 ...	10 .	
	E/5 19648 ...	10 ..	
	E/5 19649 ...	10	
	F/5 19650 ...	10 ...	

PAPER CURRENCY OFFICE; LAHORE, *The 20th January* 1872.

R. A. FINK, *A. A. G.*, for *Deputy Commissioner.*

CALICUT CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Notes partially lost or destroyed.
	Rs.	
$\frac{J}{4}$11106 } wrongly joined $\frac{J}{4}$11109 }	50 ...	Mahadava Putter, Cloth Merchant, Vadakuntaree, Palghat.
$\frac{J}{3}$31337 ...	100 ...	Oothandy Subrayer, No. 109, Coral Merchant Street, Moothealpettah, Madras.
$\frac{J}{3}$31338 ...	100 ...	

PAPER CURRENCY OFFICE;
CALICUT,
The 17th January 1872.

P. A. COLE, *Deputy Collector,*
In charge of Paper Currency.

MADRAS CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Note wholly lost or destroyed.
	Rs.	
$\frac{B}{55}$07750 ...	100 ...	Mr. G. H. Ross, Gantz Road, Perambore.
		Notes partially lost or destroyed.
	Rs.	
$\frac{B}{51}$13622 ...	10 ...	T. Chinappa Naick, Rice Merchant, No. 57, Cayava Chetty Street, Madras.
$\frac{B}{30}$17788 ...	20 ...	Mr. Alexander Reid, Trichinopoly.
$\frac{B}{55}$80719 } wrongly joined $\frac{B}{55}$80716 }	100 ...	Ahmud Ali, No. 14, Janajahana Khan Road, Triplicane.

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 16th January 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department.

Notice.

Wanted for the Office of Superintending Engineer, Indore State Railway, a thoroughly qualified Estimator and Draftsman. Minimum salary of the appointment is Rs. 125 per mensem. Testimonials to Superintending Engineer, Mhow.

CHARLES CHEYNE,
Superintending Engineer, I. S. R.

MHOW,
The 22nd January 1872.

MAPS OF THE SURVEY OF INDIA

Published at the Surveyor General's Office, Calcutta, during the month of December 1871.

Sole Agents in Calcutta—Messrs. Thacker, Spink & Co.

Description.	Size.	Price. Unmounted.
		Rs. A.
GENERAL MAPS.		
Scale 16 *Miles* = 1 *Inch.*		
North-Western Provinces	4 Sheets Imperial ...	4 0
Scale 4 *Miles* = 1 *Inch.*		
Sindh Compilation Map, Sheet No. 11	Imperial ...	1 0
Indian Atlas Quarter Sheet, No. 10 N E	Super Royal ...	0 12
REVENUE SURVEY MAPS.		
Scale 1 *Mile* = 1 *Inch.*		
District Lohardugga, Sheet No. 4	Double Royal ...	1 8
Sindh, Sheet No. 100	Double Elephant ...	1 8
District Ramree, Main Circuit, Nos. 1 & 2	2 Sheets Antiquarian ...	3 0
TOPOGRAPHICAL SURVEY MAPS.		
Scale 1 *Mile* = 1 *Inch.*		
Gwalior and Central India, Sheet No. 18	Double Elephant ...	1 0
Do. do. 19	Ditto ...	1 0
Chota Nagpore, Sheet No. 36	Ditto ...	1 0
Do. do. 69	Ditto ...	1 0
Do. do. 71 (2nd edition)	Ditto ...	1 0
Rewah, Sheet No. 1	Ditto ...	1 0
PLANS OF CANTONMENT, CITY & CIVIL STATION.		
Scale 1½ *Inches* = 1 *Mile.*		
Small Plan of Calcutta	Foolscap ...	0 4
Scale 6 *Inches* = 1 *Mile.*		
Plan of Chutterpore	½ Sheet D. Elephant ...	0 8
Plan of Bijawar	Ditto ...	0 8

SURVEYOR GENERAL'S OFFICE; *Calcutta, 4th January* 1872.

H. L. THUILLIER, *Colonel, Surveyor General of India.*

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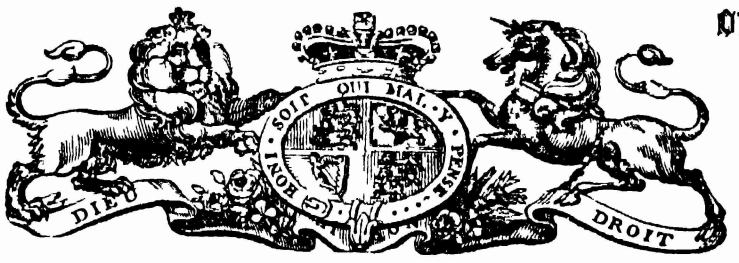

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 27, 1872.

OFFICIAL PAPERS.

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GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Tuesday, the 16th January 1872.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. P., G.M.S.I., *presiding.*
The Hon'ble John Strachey.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
The Hon'ble B. H. Ellis.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.
The Hon'ble F. R. Cockerell.

The Hon'ble MR. COCKERELL took the oath of allegiance, and the oath that he would faithfully discharge the duties of his office.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN moved that the report of the Select Committee on the Bill to legalize marriages between certain Natives of India not professing the Christian religion be taken into consideration. He said:—"The Bill has been under consideration for several years. It refers to a subject of the deepest and most general interest. It has been most fully con-

sidered and discussed. For these reasons, I must state the nature of the measure at some length. I am glad to be able to say that the difficulties connected with the subject have been so dealt with as to satisfy those who are principally interested in the Bill.

"In order to make this plain, I will begin by giving the history of the measure. As your Lordship and the Council are aware, a religious body called the Bráhma-Samája, which has been for many years in existence, has for some time past acquired a considerable degree of prominence and importance in most of the great cities of India. It is interesting on many accounts; but, above all, because Bráhmoism is at once the most European of Native religions, and the most living of all Native versions of European religion. One of the points on which the Bráhmos have most closely followed English views, and one of the most important points in their whole system, is the matter of marriage. Bráhmos, in common with Englishmen, believe that marriage should be the union for life, in all common cases, of one man with one woman; and the most numerous body of the Bráhmos go a step further, and are of opinion that marriage should be regarded in the light of a contract between a mature man and a mature woman of a suitable age, and not as a contract by which parents unite together children in their infancy. Besides this, the Bráhmos agree in objecting to some of the ceremonies by which Hindús celebrate marriage, on the ground that they are idolatrous. So far, they may be regarded as forming a single body with reference to the immediate subject-matter of this Bill.

"There are, however, two classes of Bráhmos, and the distinction between them is curious and interesting on account of its resemblance to similar divisions which exist in many other religions, and, in particular, in every form of Christianity with which I am acquainted.

"The original founder of the Bráhmo body was the well-known Ram Mohun Roy, who founded the sect about forty years ago. Since that time, the Bráhmos have divided themselves into two bodies, the Adi-Bráhma-Samája, or the Conservative Bráhmos, and the Progressive Bráhmos. The Progressive Bráhmos have broken far more decisively with Hindúism than the Conservatives. The object of the Conservatives is to pour the new wine into the old bottles, so that the one may not be wasted nor the other broken. The Progressive Bráhmos undertake to provide at once new wine and new bottles.

"As regards marriage, the difference between the two parties appears to be this,—the marriage ceremonies adopted by the Progressive Bráhmos depart more widely from the Hindú law than those which are in use amongst the Adi-Bráhmos. The Adi-Bráhmos, indeed, contend that, by Hindú law, their ceremonies, though irregular, would be valid. The Progressive Bráhmos admit that, by Hindú law, their marriages would be void. Moreover, the Progressive Bráhmos are opposed both to infant marriage and to polygamy far more decisively than the Conservative party. The former, in particular, adopt the European view, that marriage is a contract between the persons married; the latter retain the Native view, that the father can give away his daughter as he thinks right when she is too young to understand the matter.

"In this state of things, the Progressive Bráhmos took the opinion of Mr. Cowie, then Advocate General, as to the legal validity of their marriages. I shall have to say much hereafter on this opinion. At present, I confine myself to saying that it was unfavourable to the validity of the marriages in question.

"Upon this, the Bráhmo body represented to Lord Lawrence's Government, that they suffered under a great disability by reason of the existence of a state of the law which practically debarred them from marriage unless they adopted a ceremonial to which they had conscientious objections. The marriage law of British India, as he understood and as I understand it, may be very shortly described as follows:—

"By the Bengal Civil Courts Act, which consolidates and re-enacts the old Regulations, and by corresponding Regulations in Madras and Bombay,

the Courts are to decide, in questions regarding marriage in which the parties are Hindús, according to Hindú law; if the parties are Muhammadans, according to Muhammadan law, and, in cases not specially provided for, according to justice, equity, and good conscience. Custom also has, in most parts of India, the force of law in this matter, although the exact legal ground on which its force stands, differs to some extent in different parts of the country. There are also a variety of Acts of Parliament and Acts of the Indian Legislatures which regulate marriages between Christians, Europeans and Natives, and between Pársís. As the Bráhmos were neither Muhammadans, nor Pársís, nor Christians, no other mode of marriage was expressly provided for them by law, and the inference was drawn that they were unable to marry at all. I do not myself think that this inference was correct, but, for the present, I postpone the consideration of that subject. To one most heavy grievance they were beyond all question subjected. No form of marriage legally constituted, and valid beyond all doubt or question, was provided for them, and I do not know whether such a state of things is not a greater grievance than a downright disability to marry.

"The first question which naturally arose was, whether it was not possible to let the matter alone? The sect was a small one. It was in some quarters unpopular, because its members, having given up their own creed, had not adopted Christianity. To have disavowed all responsibility for Mr. Cowie's opinion and to have referred the Bráhmos to the Courts of law, would have been easy. Sir Henry Maine did not take that course, and I rejoice that he did not, though I cannot attach quite so much weight as he appears to have attached to Mr. Cowie's opinion. He thought that a clear injustice—and especially a clear injustice distinctly traceable to the influence of English habits of thought—could not, and must not, be permitted, whether the persons affected were few or many, popular or the reverse. I cannot say how strongly I join in this opinion. I think that one distinct act of wilful injustice; one clear instance of unfaithfulness to the principles on which our Government of India depends; one positive proof that we either cannot or will not do justice, or what we regard as such, to all classes, races, creeds or no-creeds to be found in British India, would, in the long run, shake our power more deeply than even military or financial disaster. I believe that the real foundation on which the British power in this country stands is neither military force alone, as some persons cynically assert (though certainly military force is one indispensable condition of our power), nor even that affectionate sympathy of the Native populations on which, according to a more amiable, though not, I think, a truer, view of the matter, some think our rule ought to rest, though it is hardly possible to overrate the value of such sympathy where it can by any means be obtained, I believe that the real foundation of our power will be found to be an inflexible adherence to broad principles of justice, common to all persons in all countries and all ages, and enforced with unflinching firmness in favour of, or against, every one who claims their benefit, or who presumes to violate them, no matter who he may be. To govern impartially upon those broad principles is to govern justly; and I believe not only that justice itself, but that the honest attempt and desire to be just, is understood and acknowledged in every part of the world alike.

"I am not going to trouble your Lordship or the Council with any metaphysics about justice, but I would with confidence put this plain question. Is it just, in any natural sense of the word, that men should be debarred from marriage, or that the security of their marriages should be subject to great doubt, merely because they have renounced the Native religions without becoming Christians? I am confident that every man's answer will be—'no, it is not.' This being so, it is obvious that the Bráhmos were entitled to a remedy. The only question was, what remedy would be appropriate? The most obvious remedy would have been, no doubt, to give the members of the Bráhma-Samája a Bill legalizing marriages between members of that body only; but Sir Henry

Maine felt, and was, I think, well warranted in feeling, that there was a great difficulty in the way of doing so. The sect, as he said, was 'deficient in stability.' It was new, and, like all new religious bodies endowed with any considerable degree of vitality, its doctrines and discipline were in a very indefinite state. To give a legal quasi-corporate existence, for such a purpose as the regulation of marriage, to such a body, would have been very difficult, especially in the face of the fact that it had already, within a few years of its establishment, broken into two sections, differing from each other upon this very subject of marriage, amongst other things. There was another objection to such a measure, to which Sir Henry Maine did not refer expressly, but which he must no doubt have felt. We are obliged to treat marriage, to a certain extent, denominationally—to use a clumsy word to express a clumsy idea—by the fact that, in this country, law and religion are so closely connected together; but such a system is most inconvenient and ought not to be carried further than is absolutely necessary. The Government could hardly assume a more invidious position than that of undertaking to give a new form of marriage to every new sect which did not happen to like the old ones, and of deciding, at the same time, whether a particular body of men did or did not constitute a new sect of sufficient importance for such a purpose. As an illustration of the impossibility of assuming such a position, I may observe that, shortly before the publication of the last report of the Committee in the Gazette, I received a memorial on this Bill by a body called 'The Radical League,' which is composed partly of Positivists and partly of Theists, who, however, do not at all agree with the Bráhmos. These gentlemen say that it is very hard upon them that their religious opinions should prevent them from being legally married, and that, though their numbers are at present very small, no distinction in principle can be made between them and the Bráhmos.

"There is, again, this further difficulty about a denominational system of marriage. How are we to deal with the case of marriages between people of different denominations? What is to happen if a Bráhmo wants to marry a Positivist? Are we to have a Bill for Bráhmos; a Bill for Positivists; a Bill for half and half couples. If so, when a few more sects have been established, and when a Bill has to be framed on the principle of providing for the combinations of a number of things, taken two together, our statute-book will become a regular jungle of Marriage Acts.

"Under these circumstances, Sir Henry Maine proposed to make the Bráhmo question the opportunity for passing a measure of the most comprehensive nature. He proposed to pass an Act 'to legalize marriage between certain Natives of India not professing the Christian religion, and objecting to be married in accordance with the rites of the Hindú, Muhammadan, Buddhist, Pársí, or Jewish religion.'

"He introduced the Bill on the 18th November 1868 in a speech of characteristic interest and ability, on part of which I shall hereafter make a few observations, and it was circulated to the Local Governments for opinion.

"The answers of the Local Governments were received in due course, and were laid before me on my arrival in India at the end of 1869. They were unfavourable to the Bill proposed, and stated the grounds upon which it was objected to so fully as to supply the Government with all the information necessary to enable them to deal with the subject finally. All the grounds of objection may, I think, be reduced to one, namely, that the Bill, as drawn and circulated, would introduce a great change into Native law, and involve interference with Native social relations. On a full and repeated consideration of the whole subject, the Government were unanimously of opinion that this objection ought to prevail.

"We thought that the Bill, as drawn by Sir Henry Maine, would involve an interference with Native law which we did not consider justifiable under all the circumstances of the case. No one has a fuller appreciation than I of Sir Henry Maine's high ability, and no one has, I think, so good a right to an opinion

on the subject; but I must say that, in this instance, he appears to me to have taken a view of the position of Native law in this country with which I cannot altogether agree. It appears to me that the Hindú law and religion on the subject of marriage (I need not at present refer to Muhammadánism) are one and the same thing; that they must be adopted as a whole, or renounced as a whole; that if a man objects to the Hindú law of marriage, he objects to an essential part of the Hindú religion, ceases to be a Hindú, and must be dealt with according to the laws which relate to persons in such a position. I do not think that Sir Henry Maine would have expressly denied this; but I think that he somewhat understates the binding character of Hindú law upon Hindús, or at least uses language which might give rise to misapprehension on the subject. He said:—

'owing to the language of certain Statutes and Charters regulating the jurisdiction of the Indian Courts, the law of their religion became the law applicable to litigants. There being no fundamental law in India, the doctrine thence prevailed (though I should perhaps surprise the Council if I were to state how much doubt attends the point) that the greatest part of the civil rights of the Natives of India is determined by the religion which they profess.'

"It would be a great mistake to infer from these expressions that the legal position of the Hindú religion depended on certain phrases incautiously used. No line of policy was ever adopted with greater deliberation, adhered to with greater pertinacity, or supported by stronger reasons, than the general policy embodied in the expressions in the Statutes and Charters referred to. It is too notorious to require the detailed proof which it would be easy to give, that the whole government of the East India Company was marked, from first to last, by a reluctance, which, I think, was equally natural and creditable to them, to interfere with Native usages or Native laws to any greater extent than was absolutely necessary. Illustrations of this may be found in the practice of furnishing the Company's Courts with Native law officers, whose special duty it was to expound Hindú and Muhammadan law; in the excessive reluctance which was shown by several successive Governments to abolish the practice of suttee; in the vehement opposition which, many years after the abolition of suttee, was excited by Act XXI of 1850, and by the Act (XV of 1856) which legalizes the marriage of Hindú widows. The preamble of this Act contains the following words:—

'many Hindús believe that this imputed legal incapacity, although it is in accordance with established custom, is not in accordance with a true interpretation of the precepts of their religion, and desire that the civil law administered by the Courts of Justice shall no longer prevent those Hindús who may be so minded from adopting a different custom in accordance with the dictates of their own consciences:'

"I do not wish to heap up proofs of a very clear proposition; but I may observe that the words which I have just read seem to be a clear legislative recognition of the principle that Hindú marriages are, by Anglo-Indian law, to be regulated by Hindú law, and that, in relation to the subject of marriage, Hindú law and Hindú religion are two names for one thing. For these reasons, I think that, to whatever extent the successive Governments of British India determined to enforce the Hindú law or religion on the subject of marriage, they did so deliberately and upon the most mature consideration of the whole subject.

"This brings me to the questions—To what extent did they determine to enforce it? To what extent is it open to the Government for the time being to introduce alterations into it? In what spirit should such alterations be made? How do the answers to these questions apply to Sir Henry Maine's proposal?

"The answer is to be found rather in broad general principles, than in explicit enactments or other authoritative documents. As a mere matter of strict law, as I observed on a former occasion in reference to the permanent settlement, there can be no doubt of the power of the Legislative Council to sweep away, or to alter to any extent, the whole fabric of Hindú or Muhammadan law, just as we have the legal power to do many other things which no

one of ordinary sense or humanity would for a moment think of. Our obligation towards these systems of law is a moral obligation, and must be construed accordingly. It seems to me that this obligation is less vague than it might have been supposed to be; that it has been justly appreciated and measured by successive generations of Indian Statesmen, and that its true nature may be shortly expressed as follows:—Native laws should not be changed by direct legislation, except in extreme cases, though they may and ought to be moulded by the Courts of Justice so as to suit the changing circumstances of society. If this principle is fully grasped, it will, I think, serve as the key to nearly every question which can be raised as to the alteration of Native laws; and, in particular, it will be found to justify, in all its leading features, the policy pursued in this matter by the Government of India on previous occasions, and the policy which I now propose that it should pursue on the present occasion. I am sure that the Council will excuse me if I explain the important principle which I have tried to state, and illustrate its meaning and its bearings at some little length.

"The main point in which personal differ from territorial laws, is that, whereas territorial laws bind all persons within a given territory, whether they like it or not, such systems of personal law as we have in India must, from their nature, admit of a choice. If you have two or more parallel systems of personal law, and if there are no means of deciding which of them applies to any particular person, the only means of arriving at such a decision will be by considering what mode of life he has, as a matter of fact, adopted. If these systems of law correspond (as is the case with Hindú and Muhammadan law) to two different and antagonistic religions, it is necessary, either to forbid a man to change his religion (which of course is impossible under a Government like ours), or to permit him to change his law. The second branch of the alternative has been adopted by the Government of India, and has influenced alike its legislation and the judicial decisions of its Courts. Its adoption was solemnly announced by Act XXI of 1850, which provides, in substance, that no law or usage in force in British India shall be enforced as law, which inflicts on any person forfeiture of rights or property, or which may be held in any way to impair or affect any right of inheritance by reason of his having renounced, or having been excluded from, the communion of any religion, or having been deprived of caste. The effect of this enactment deserves careful attention. Sanctions, in all cases, are the essence of laws, and the unfailing tests by which they are distinguished from other rules of conduct. The subject-matter of the personal laws which exist in British India (marriage, inheritance, caste, &c.,) does not admit of their being invested with a penal sanction. Their sanction lies in the fact that, if they are observed, certain civil rights are established, and that, if they are not observed, those rights are forfeited. The *Lex Loci* Act, therefore, by declaring that the renunciation of, or exclusion from, the communion of any religion should not affect a man's civil rights, did in fact deprive the Native religions of the character of law, as against those who might cease to profess them, and left to them only the character of rules of life, which persons inclined to do so might adopt or relinquish at their pleasure.

"This principle has also been laid down in the fullest and most emphatic manner by the highest judicial authority—the Judicial Committee of the Privy Council—in the case of—*Abraham* v. *Abraham)*. One of the questions considered in that case was, whether the property of an East Indian Christian, whose paternal ancestors were Hindús, was at his death to be distributed by Hindú or English law? Upon this point, the judgment of the Judicial Committee of the Privy Council was delivered in the following terms by Lord Kingsdown—

'what is the position of a member of a Hindú family who has become a convert to Christianity? He becomes, as their Lordships apprehend, at once severed from the family, and regarded by them as an outcast. The tie which bound the family together is, so far as he is concerned, not only loosened, but dissolved. The obligations consequent upon and connected with the tie

must, as it seems to their Lordships, be dissolved with it. Parcenership may be put an end to by a severance effected by partition; it must, as their Lordships think, equally be put an end to by severance which the Hindú law recognizes and creates. Their Lordships, therefore, are of opinion, that upon the conversion of a Hindú to Christianity, the Hindú law ceases to have any continuing obligatory force upon the convert. He may renounce the old law by which he was bound, as he has renounced his old religion, or, if he thinks fit, he may abide by the old law, notwithstanding he has renounced the old religion.

It appears, indeed, both from the pleadings and from the points before referred to, that neither side contended for the continuing obligatory force of Hindú law on a convert to Christianity from that persuasion. The custom and usages of families are alone appealed to, with a reference also to the usages of this particular family; a reference which implies that the general custom of a class is not imperatively obligatory on new converts to Christianity.'

"After some remarks which I need not read, the judgment proceeds—

'The *Lex Loci* Act clearly does not apply, the parties having ceased to be Hindú in religion; and looking to the Regulations, their Lordships think that, so far as they prescribe that the Hindú law shall be applied to Hindús and the Muhammadan law to Muhammadans, they must be understood to refer to Hindús and Muhammadans not by birth merely, but by religion also. They think, therefore, that this case fell to be decided according to the Regulation which prescribes that the decision shall be according to equity and good conscience. Applying, then, this rule to the decision of the case, it seems to their Lordships that the course which appears to have been pursued in *India* in these cases, and to have been adopted in the present case, of referring the decision to the usages of the class to which the convert may have attached himself, and of the family to which he may have belonged, has been most consonant both to equity and good conscience. The profession of Christianity releases the convert from the trammels of the Hindú law, but it does not of necessity involve any change of the rights or relations of the convert in matters with which Christianity has no concern, such as his rights and interests in, and his powers over, property. The convert, though not bound as to such matters, either by the Hindú law or by any other positive law, may by his course of conduct after his conversion have shown by what law he intended to be governed as to these matters. He may have done so either by attaching himself to a class which as to these matters has adopted and acted upon some particular law, or by having himself observed some family usage or custom; and nothing can surely be more just than that the rights and interests in his property, and his powers over it, should be governed by the law which he has adopted, or the rules which he has observed.'

"Such being the nature of Indian personal law, it is, I think, self-evident, that it ought not to be changed, except in extreme cases. Laws relating to such subjects as marriage have their root in the very deepest feelings, and in the whole history, of a nation; nor is it easy to imagine a more tyrannical or a more presumptuous abuse of superior force, than that which would be involved in any attempt to bring the views and the practices of one nation, upon such subjects, into harmony with those of other nations, whose institutions and characters have been cast in a totally different mould. I should feel as little sympathy for an attempt to turn Hindús into Englishmen by Acts of the Legislative Council, as for attempts to turn Englishmen into Hindús by Act of Parliament.

"Before I give my reasons for thinking that the Bill, as originally framed, would constitute an interference with Native law, it may be worth while to show, in a very few words, why it is that the Hindú law as to marriage, differing as it does in many ways from our own, does not form one of those exceptional cases in which we are called upon to interfere with Native customs, though I can hardly imagine that any one could really require to be convinced on the subject. It is, however, possible that some one might say—'The Hindú law permits polygamy in certain cases; it discountenances marriage between members of different castes in particular cases. It involves infant marriage, and appears in many ways to view marriage rather as a contract between the parents, than as a contract between the married persons; and, in these respects, it so violates all the commonest and broadest principles of human society, that it is our duty to protest against it whenever the opportunity for doing so occurs.' Such an allegation would hardly need refutation. One conclusive argument against it is that, it would expose the person using it to this retort:—'If the Hindú system

is so utterly bad, why do you enforce it or recognize it at all? Why do you content yourselves with a mere protest, and not forbid, by law, the practices of which you disapprove? This argument would certainly lose none of its force by its being an argument *ad homines*, and I need not say how strongly I repudiate the principle which would justify its use. I wish, moreover, to say as strongly as I can, that I am not one of those who think it right to condemn utterly, and in a peremptory and absolute manner, the social and religious institutions of the Natives of this country. They are of course institutions with which an Englishman cannot be expected to sympathize. We naturally prefer our own, and I should not shrink from justifying that preference in case of need: but this I think is a reason why Englishmen should be extremely cautious about denouncing them, as people often do, as mere organized superstition and immorality. To say anything here upon the theological side of the subject would obviously be out of place; but, looking at the matter politically, I think it may fairly be said that the only reasonable way of criticizing alien institutions is to look at them as a whole, and to form as good an estimate as one can of their results as a whole. If Native institutions are looked at in this light, I think it will be impossible for any candid person to deny that Hindú institutions have favoured the growth of many virtues; have practically solved many social problems—the problem, for instance, of pauperism, which we English are far enough from having solved—in a way which ought on no account to be treated with contempt; that the institution of caste, in particular, whatever may be its evils, has provided safeguards against misconduct which it would be mischievous in the highest degree to sweep away like so much rubbish.

"I should wish to act justly by the Hindús and the Hindú law, because, as I said, I believe justice to be the rock on which our rule should be founded; and I have already shown in what manner this great principle bears on the present subject. But, quite apart from the question of justice, it would not please me at all to strike an indirect blow at the Hindú law or religion. I cannot regard it, or any of the other creeds under which countless multitudes of men have lived and died, as simply evil. I should be grieved at the thought that English civilization was a blind agent of destruction, like the cannon ball 'shattering that it may reach and shattering what it reaches.'

"I now proceed to consider the question whether Sir Henry Maine's Bill does constitute an interference with Hindú law, and to state the reasons which lead me to think that it does. It was based by him upon the following principles:—

'The *Lex Loci* Act was meant to condone all offences against religious rule, whether they were acts of omission or of commission. But, probably from mistake, probably from attending too exclusively to the immediate question before them, which affected only the first generation of dissidents, they left standing the greatest of all disabilities, the disability to contract a lawful marriage. It is incredible to me that, except by an oversight, they should have expressly provided for the protection of the right of inheritance, but should have omitted to provide for the right of contracting marriage, without which inheritance cannot arise.'

"Sir Henry Maine afterwards described as follows the case of the applicants—

'They say that the ritual to which they must conform, if they wish to contract lawful marriages, is idolatrous. I don't use the word offensively, but merely in the sense in which a lawyer in the High Court is occasionally obliged to speak of the family idol. They say that the existing Hindú ceremonial of marriage implies belief in the existence or power of, and worship addressed to, idols. No doubt there are some of the Bráhmos who have as little belief in these beings as the applicants, but still do not object to go through the ritual; and, naturally enough, they exhibit considerable impatience at the scruples of their co-religionists. But that is only a part of the inevitable history of opinion. The first step is to disbelieve; the next to be ashamed of the profession of belief. The applicants allege that their consciences are hurt and injured by joining in a ritual which implies belief in that which they do not believe. Now, can we compel them to submit to this ritual? Sir, nobody can feel more strongly than I do, that we are bound to refrain from interfering with Native religious opinions, simply on the ground that those opinions are not ours, and that we are bound to respect the practices, which are the expression of those opinions, so long as they do not

violate decency and public order. That is the condition of our government in this country. I will even go further and say that, where a part of a community come forward and allege that they are the most enlightened members of it, and call on us to forbid a practice which their advanced ideas lead them to think injurious to their civilization, the Government should still be cautious. This is the case of those enlightened gentlemen who ask us to abolish polygamy, both as regards themselves and as regards their less informed co-religionists who do not agree with them. Here the Government of India, acting in concurrence with the Government of His Honour the Lieutenant-Governor, has declined to listen to the petition, much as may be said for it. Here, however, we have a very different case. A number of gentlemen come forward and ask to be relieved from the necessity of submitting to rites against which their own conscience rebels. They do not ask to impose their ideas on others, but to be relieved from a burthen which presses on themselves. Can we refuse the relief? I think we cannot. I think the point is here reached at which it is impossible for us to forget, that we do not ourselves believe in the existence or virtue or power of the beings in whose honour this ritual is constructed. And I say this the more confidently, because I believe that such a doctrine is in the true interest of the sincere believers in Native religions. If we once begin trampling on the rights of conscience, it is very far from certain that the process will continue for the advantage of Native religions. The members of these communities have the strongest reason for maintaining the absolute sacredness of the rights of conscience.'

"My Lord, my agreement in the substance of these views is as cordial as my admiration for the vigour and clearness with which they are expressed. As I have observed, we are here as the representatives of equal justice to all; of an impartial application, that is, to all persons and classes, of principles of government which experience has shown to be generally beneficial to mankind; and I do not hesitate to say that it would be far better to abandon, or even to lose, our position here, than to abandon the principle on which it rests, or to shrink from the responsibilities which its vigorous application involve. I believe that the principle of religious equality, when properly understood, is as much one of those principles, as the principle of the suppression of war, rapine, and crime; and, by the principle of religious equality, I mean that Christians, Muhammadans, Hindús, Buddhists, and the members of all other persuasions, are to be encouraged, and if need be forced, to live together in peace, and to abstain from injuring those members of their respective creeds who may think fit to change them for others.

"I fully admit, moreover, that if the law is so arranged, that persons who abandon one of these creeds, and do not adopt another, are by law prevented from marrying, or—which comes to the same thing—thrown into a state of uncertainty as to the validity of their marriages, those persons are subject to the most grievious of all disabilities, and, however small their number may be, are justified in regarding themselves as the victims of a crying injustice which we are morally bound to remedy, notwithstanding any objections which may be taken to our so doing by members of the various recognised creeds. If we did not, we should distinctly violate one of the leading principles which we are here to assert.

"So far, I entirely agree with my honourable predecessor; but I must own that the manner in which his Bill was framed, and the criticisms which have been made upon it, have convinced me that it went a step beyond strict justice, and violated, in its turn, the principle which I have attempted to state, as to the proper relation of the British Government to Native religions. It appears to me that the Bill introduced by my Hon'ble friend would, by direct legislation, change very deeply the Native law upon marriage. It applies to 'Natives of British India not professing the Christian religion, and objecting to be married in accordance with the rites of the Hindú. Muhammadan, Buddhist, Pársí or Jewish religion.' All such marriages are declared to be valid, if they are celebrated according to a certain form provided by the Act, and upon certain conditions. These marriages would, moreover, be monogamous. The Bill, in short, would introduce the European conception of marriage into the Hindú and Muhammadan communities, and give to it, by law, a place amongst Hindú and Muhammadan institutions. I do not think it can be denied that this would be a change, whether for better or for worse. You may change by addition, as well as by other forms of alteration.

"There is, I think, a distinction in this matter which the Bill, as introduced, overlooks. It is the distinction between treating Hindú law as a law binding only on those who submit to it of their own will, and treating it as a law binding on those who do submit to it only in so far as they choose to do so. It is surely one thing to say to Hindús—'you are at liberty to change your law and religion if you think proper, and you shall suffer no loss by so doing;' and quite another thing to say to them—'you are at liberty to play fast and loose with your law and religion; you shall, if you please, be, at one and the same time, a Hindú and not a Hindú.' By recognizing the existence of the Hindú religion as a personal law on this matter of marriage, I think that we have contracted an obligation to enforce its provisions in their entirety upon those who choose to live under them, just as we have, by establishing the general principle of religious freedom, contracted a further obligation to protect any one who chooses to leave the Hindú religion against injury for having done so, and to provide him with institutions recognized by law and suitable to his peculiar position. I think that it is hardly possible for us to hold other language on the subject than this—'Be a Hindú or not as you please; but be one thing or the other, and do not ask us to undertake the impossible task of constructing some compromise between Hindúism and not-Hindúism, which will enable you to evade the necessity of knowing your own minds.' The present Bill is framed upon these principles; but, before I turn to its provisions, I must complete the history which I interrupted for the purpose of criticizing the Bill originally introduced, and stating the reasons which have led the Government to modify its provisions.

"Having decided, upon a full consideration of the mass of opinions, and, in particular, of Native opinion, submitted to us, that the Bill in its original form ought not to become law, it was considered that, notwithstanding the difficulties already pointed out, a Bill might be framed to meet the case of the Bráhma-Samája alone. It was, on the one hand, impossible to leave the Bráhmos without relief, and, on the other, the objections already stated applied to the Bill as it stood. A Bill was accordingly prepared, confined to members of the Bráhma-Samája and intended as a sort of stop-gap. As the practical difficulty had arisen in regard to them, it appeared probable that a measure adjusted to that difficulty would be all that would be required, at all events, for a considerable time. The Bill was accepted by the Progressive Bráhmos, and, but for a new, and to me unexpected, difficulty, would have been finally submitted to the Council last March. Shortly before the Bill was to be passed, I received a deputation from the members of the Adi-Bráhma-Samája who stated that their body had strong objections to the passing of the Bill approved of by the Progressive Bráhmos. Their objection was as follows:—

"1*st*.—The Bill would give to the sect a recognized legal position; but the sect so recognized would be the Progressive, as opposed to the Conservative, party. The matter may be thus illustrated. Suppose that the Wesleyan methodists and the Calvinistic methodists differed on the subject of marriage, and that an Act of Parliament, drawn so as to express the views of the Wesleyan methodists, as opposed to those of the Calvinistic methodists, were to be called 'The Methodists Marriage Bill?' It is obvious that this would be a grievance to the Calvinistic methodists, and though this may appear to be a matter of words and titles, the right to names is a right which no one can affect to despise. Let any one who doubts it imagine an Act of Parliament relating to Roman Catholics, in which the Church of Rome was described, not as the Roman Catholic, but as the Catholic, Church.

"2*nd*.—The Bill would have had to begin with a recital to the effect that doubts were entertained as to the validity of the Bráhmo marriages. Now, the members of the Adi-Bráhma-Samája do not admit that the validity of their marriages by Hindú law is doubtful. They say that, even if Mr. Cowie's opinion on the subject is accepted as correct, it does not affect them; and they declare that they are willing to take the chance of their marriages being held

to be illegal if the case should ever arise. They argued, on the whole, that it was a hardship on them to throw doubt upon the validity of their marriages by an Act of the legislature.

"As I explained on a former occasion, their arguments took me by surprise. I was not aware, when the second version of this Bill was introduced, of the division in the Bráhmo body. Sir, Henry Maine's speeches did not expressly mention it, and the papers submitted to me upon the subject dealt with the question of a general Bill, such as I have described, and not with the question of a Marriage Bill for Bráhmos only.

"The question, accordingly, had to be reconsidered, and after some intermediate steps, and a very careful consideration of the matter in Council, I asked the representatives of the two bodies of Bráhmos whether the one would be satisfied with, and whether the other would object to, a Bill confined to persons who had renounced or had been excluded from or did not profess the Hindú, Muhammadan, Buddhist, Pársí, Sikh or Jaina religion? I made the offer expecting that it would be accepted by the Adi-Bráhmos, whom it obviously would not affect, and that it would be rejected by the Progressive Bráhmos. I supposed that they occupied one of those intermediate religious positions which are so common in the present day, in which people dislike to say either that they are or are not members of a particular creed. The proposal indeed was so simple and obvious that I did not see what other reason there could have been for not making it, except the existence on the part of the Progressive Bráhmos of such a reluctance. I had supposed that Sir Henry Maine must have alluded to such a feeling when he said, speaking of a Hindú becoming a Muhammadan:

'The convert is compelled by the principles of his new religion to regard the faith of his ancestors as hateful and contemptible. But if he does not go so far as that, if he retains some tenderness for his old faith, he is prevented from marrying.'

"I inferred from that, and from the known fact that the restoration of primitive Hindúism was one of the original objects of the Bráhmo movement that the suggestion in question would not meet the case. There was nothing surprising in this. To make a definite and public statement as to the religious belief or disbelief which a man entertains is, to many people, singularly unpleasant. The proposal to have a column in the census papers in England, stating the religious belief of the person signing it, has been, I think, more than once rejected, and I know many persons who would not by any means like to have to say, either that they are, or that they are not, members of the Church of England or of any other Christian body. The main reason, indeed, why the Act commonly called the Dissenters Marriage Act was passed in the most general form was, that people, as they said 'did not like to be ticketed.'

"If, therefore, the Progressive Bráhmos had declared that a Bill providing a form of marriage for persons not professing the Hindú religion would not satisfy them, I could have entered into their feelings, though I am by no means sure that it would have been possible to consult them for practical purposes; but they took a bolder line. Before the views of Government had been communicated to them at all, they sent in a paper, by way of reply, to the Adi-Bráhma-Samája, containing this remarkable passage. The Adi-Samája had said that the passing of the proposed law would lead to complications in regard to questions of succession. This is answered by the Progressive Bráhmos in the following words:—

'The complications apprehended may be easily avoided by extending to the parties marrying under the proposed law the Indian Succession Act, which is clearly applicable to them.' The above Act exempts from its operation only 'Hindús, Muhammadans, and Buddhists' (I may add Sikhs and Jainas). 'But the term 'Hindú' does not include the Bráhmos, who deny the authority of the Vedas, are opposed to every form of the Bráhmanical religion, and being eclectics admit proselytes from Hindús, Muhammadans, Christians, and other religious sects.'

"Nothing could be plainer or more straightforward than this, and I wish to add that the subsequent conduct of the sect has corresponded to this distinct avowal of their views. They have unreservedly accepted the offer made to them by me on behalf of the Government, and the Adi-Samája have with equal frankness admitted that the measure is one to which they have no right and no wish to object. As for the views of the general body of the Native community, they appear, I think, sufficiently from the replies which were received to Sir Henry Maine's Bill. The great majority of the Native community would regard with indifference a measure applying to persons who stand outside the pale of the Native religions. A minority object to the principle involved in Act XXI of 1850, and would probably like to see defection from a Native religion visited by the heaviest disabilities which it is in the power of law or usage to inflict. The British Indian Association of Bengal petitioned against the first edition of this Bill expressly on the ground that Act XXI of 1850 was passed against the wishes of the Native community. It is, I think, utterly out of the question to act upon their view of the subject, and whatever inconvenience arises from their objection to the measure must be endured. I believe, however, that, to the vast majority of the population, its passing will be a matter of indifference. Inaction is, for the reasons already stated, altogether impossible.

"I will now proceed to say a few words on the provisions of the Bill itself. They need not detain the Council long, as they are few and simple. They provide a form of marriage, to be celebrated before the Registrar, for persons who do not profess either the Hindú, the Muhummadan, the Pársí, the Sikh, the Jaina, or the Buddhist religion, and who are neither Christians nor Jews. The conditions are—that the parties are at the time unmarried; that the man is at least eighteen and the woman at least fourteen, and that, if under eighteen, she has obtained the consent of her father or guardian, and that they are not related to each other in any degree of consanguinity or affinity which, by the law to which either of them is subject, would prevent their marriage. But no rule or custom of any such religion, other than one relating to consanguinity or affinity, is to prevent their marriage. Nor is any such rule to prevent them from marrying unless relationship can be traced through a common ancestor standing to each in a relationship nearer than that of great-great-grandfather or great-great-grand-mother, or unless the one person is the lineal ancestor, or the brother or sister of any lineal ancestor of the other. This proviso will permit marriages under the Act between persons of different castes, and also between persons whose marriages are at present prohibited on account of a merely fabulous common descendant. No one who is at present unable to marry his second cousin will be permitted to do so by this Bill; but it seemed to us that a line ought to be drawn somewhere, and that the relationship between third cousins might reasonably be regarded as so remote that it might be fairly said that a man who had given up every other part of his creed might be permitted to free himself from any custom which restrained his marriage with so very remote a connection. Whilst we have carefully avoided the charge of holding out an inducement to persons to marry by relaxing any rules to which they may now be subject as to prohibited degrees, we have thought it necessary to provide for their descendants, and as they will form a new community for whom it is necessary to provide by express law we have provided that they shall be subject to the law of England for the time being as to prohibited degrees, and the Indian Succession Act as regards inheritance. We cannot undertake to construct a new table of prohibited degrees. We are therefore compelled to accept some table already in existence, and that being so, no table seems so natural as that which applies substantially to the whole of Christian Europe.

"Finally, the Bill contains a saving clause to which I attach great importance. It is in the following words:—

'Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions, nor shall this Act be deemed directly or indirectly to affect the validity of

any mode of contracting marriage, but if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.'

"This section has more objects than one. One of its objects is, to save the whole question of the validity of the marriages of the Adi-Bráhma-Samája; but it is also intended to prevent the Act from being used to give to Native law and custom a degree of rigidity which it would certainly not possess if British India were still under Native rule. This leads me to consider a question of the utmost importance, intimately, though in a certain sense collaterally, connected with this Bill. It is whether part at least of that opinion of Mr. Cowie's which gave rise to the whole discussion is well founded. I will read those parts of it to which I refer.

'*Question.*—Whether, in the absence of a special enactment, the general spirit of English law is favourable to marriages contracted between individuals of a new religious community, under purely moral and religious necessities and upon principles and after a ritual not sanctioned by any existing legally recognized communities, or will it hold such marriages to be illegal at once?'

'*Answer.*—I hardly know how to answer the first question. Putting out of question marriages solemnized in foreign countries, the only marriages which the general English law formerly recognized, other than marriages solemnized according to the forms of that law, were those between Jews and Quakers. The recognition of marriages between Quakers was of very gradual introduction, and can hardly be said to have been established until such marriages were referred to in, and exempted from, the English Marriage Act of 1753. Under the more recent Registration Acts, in England, persons belonging to any particular religious body may have their marriages solemnized according to the form adopted by such religious body, but those marriages derive their legal validity exclusively from the presence of the Registrar. In the absence of special enactment, a marriage between two members of a new religious community, such as the Bráhma-Samája, not celebrated in accordance with the provision of any of the Marriage Acts in force in India nor with those required by Hindú law, would, I apprehend, be invalid.'

'*Question.*—When many such marriages shall have taken place so as to become the established usage of a large community in the course of time, will not the legislature invest them with the importance and weight of custom and feel constrained to recognize their validity? How far has custom or the voice of a large community weight in the eye of law?'

'*Answer.*—I cannot offer any anticipation as to what the legislature would or would not do. The adoption of a particular form of marriage by the members of the Bráhma-Samája would in the legal sense be no more a custom than their adoption of a particular religious creed.'

'I would only suggest to the Bráhmist community that it will be of great importance to their interests to obtain, if possible, some authoritative legal decision on the question (one which I regard as at present very obscure) how far the legal validity, as distinguished from the orthodox regularity, of marriages between Hindús depends on the observance of particular ceremonies, and I need hardly add that marriages solemnized according to the forms adopted by the community are morally binding on the parties, even though no rights which the law recognizes are hereby created.'

"It is quite unnecessary for me to say anything as to the weight which ought to attach to Mr. Cowie's opinion. I believe that every one who knows him would testify that, as the principal legal adviser of the Government of India for many years, he gave full proof of a thorough mastery of his profession, and I fully admit that the fact that he gave the opinion which I have read is one which the Government of India must notice. It throws a doubt, and a heavy doubt, on the validity of their marriages, whatever may be the individual opinions of the members of Government, and that of the Legal Member in particular. I must not omit to remark that Mr. Cowie's

view of the subject is to a certain extent confirmed by Sir Henry Maine, who, without entering at length into the matter, observes—

'I do not dissent from Mr. Cowie's opinion, and, indeed, I do not see how he could have given any other from a purely legal point of view.'

"He goes on to say, however,—

'but it is impossible to have stated a principle of more formidable application,'

"and he shows how it might be applied to Sikh marriages.

"In what I am about to say, I must not be taken to express anything except my own personal opinion as a lawyer. I must remark, for the benefit of persons who may read my speech, and suppose that my position gives it some degree of binding authority, that this is not the case. The Legal Member of Council is not a Judge. No Court is bound to attach any weight whatever to his views, or even to listen to a reference to them. My opinion carries just so much weight as may attach to the arguments used and the authorities cited by me, and no more. With this caution I proceed to give my opinion upon those parts of Mr. Cowie's opinion which I have just read. What I have to say is relevant to the matter in hand, because it explains the scope of Section 20 of the Bill, and also because it directly affects the question of the validity of Bráhmo marriages, both Adi and Progressive, independently of the Bill, as well as the validity of the marriages of other classes of persons who may not see their way to accepting its provisions.

"Generally, then, I am unable to agree with Mr. Cowie's opinion. I regret that it should have been given so shortly and without reference to authorities. The first question is as follows:—

'*Question.*—Whether, in the absence of a special enactment, the general spirit of English law is favourable to marriages contracted between individuals of a new religious community, under purely moral and religious necessities, and upon principles and after a ritual not sanctioned by any existing legally recognized communities, or will it hold such marriages to be illegal at once?'

"Mr. Cowie says that he hardly knows how to answer this question. I should answer it as follows:—

"The law by which questions as to marriage between Natives must be regulated is either Hindú law, Muhammadan law, or the law of justice, equity and good conscience, in cases not expressly provided for. Now, the case of a 'marriage contracted between individuals of a new religious community under 'purely moral and religious necessities, and upon principles and after a ritual 'not sanctioned by any existing legally recognized communities,' is surely a case not expressly provided for. The right of persons to change their religious belief without incurring any penalty thereby is clearly recognized by Act XXI of 1850. The effect of this change upon their power to contract marriage is not expressly provided for by that or by any other Act. Therefore, it must be settled by justice, equity and good conscience.

"The best measure of justice, equity and good conscience with which I am acquainted, and the one which is always resorted to by Indian Courts, is to be found in those parts of the decisions of English Courts—and they are very numerous—which deal, not with technicalities peculiar to English law and English customs, but with broad general principles founded on human nature itself, and recognised with various degrees of distinctness by all or by nearly all civilized nations. The English bench has been able to boast of Judges who might be regarded almost as personifications of justice, equity and good conscience, and it so happens that the most distinguished of all of them—I mean the great Lord Stowell—applied the whole force of his mind, in the greatest of his judgments, to the consideration of a question very like that which was put to Mr. Cowie by the Bráhma-Samája. Some of the further applications of his solution of that question were discussed with an unparalleled degree of care by the Irish Court of Queen's Bench, and the House of Lords, who required the opinions of the fifteen Judges on the subject in the case of *Rex.* v. *Millis.* The report of that case forms a sort of Manual of the

English Law on the subject of marriage in general. In the case of *M'Lean* v. *Cristall*, decided about twenty years ago by the Supreme Court of Bombay, the application of that decision to India is discussed at great length, and it appears to me that these authorities form as good an exposition of the principles of justice, equity, and good conscience, applicable to the present matter, as any one could desire. I will proceed to state what I understand them to decide. I will then point out what, in my judgment, is the proper way of applying the principles so laid down to this country.

"These memorable decisions disclose the existence of a state of the law of which I have reason to believe the public in general, and even many lawyers, are ignorant. They establish in the clearest manner the following principles :—

"1. The marriage law of Europe in general was derived from the same sources, and was substantially the same in every part of Europe, subject to certain variations in particular countries :

"2. By that law, marriage could be contracted by a contract *per verba de præsenti* without any religious ceremony whatever, and, in particular, without the presence or intervention of any priest or minister of religion :

"3. By a local peculiarity of the law of England, the presence of a minister in episcopal orders was, by the common law of England, necessary to the validity of marriage :

"4. There is authority in favour of the proposition, that this local peculiarity of English law was not introduced into British India or other foreign possessions of Her Majesty.

"With your Lordship's permission I will enlarge a little, and it shall be as little as I can, upon each of these propositions.

"The proposition that the general marriage law of Europe is substantially the same, though there are local exceptions, has obviously a most important bearing on the question put by the Bráhmos to Mr. Cowie—What is the general spirit of English law upon this subject? European Judges in this country, called upon to dispose of cases according to justice, equity and good conscience, can hardly do better than take the general rule which extends over all Europe as their guide, and not local exceptions which must be presumed to be founded upon special local reasons, even if those local exceptions prevail, as in the present case, in two-thirds of the United Kingdom. The proposition itself needs little exposition or proof. It follows from the fact that, in every part of Europe, both religion and law were derived from the same or similar sources.

"The proposition that, by the general marriage law of Europe, marriage could be contracted by mere *verba de præsenti*—'I take you for my husband' and 'I take you for my wife,' without the intervention of any religious ceremony at all, or the presence of any minister of religion—may probably be more novel. It is, however, established beyond all possibility of doubt by the famous judgment of Lord Stowell in *Dalrymple* v. *Dalrymple*. This judgment shows that the well known Scotch marriages, which have furnished so many incidents to romance, are not, as has been supposed by some persons, an expression of the reaction of Scotch Protestantism against the Roman Catholic doctrine that marriage is a sacrament, but are a fragment, which still survives in Scotland, of the old law which prevailed throughout the whole of Christendom until it was altered to some extent by the decrees of the Council of Trent in the countries which acknowledged the authority of that Council.

"A very curious history attaches to the next proposition, that, by a local peculiarity of the municipal law of England, the presence of a priest in orders is necessary in England to the validity of a marriage *per verba de præsenti*. The marriage law of England was, in the main, unwritten and undefined, and corresponded in the main with the general marriage law of Europe, down to the year 1753, when the famous Act, known as Lord Hardwicke's Marriage Act

(26 Geo. II, cap. 33), was passed. Broadly speaking, this Act annulled all irregular marriages except those of Quakers and Jews. It did not extend to Ireland, nor to the Colonies, nor to British possessions abroad There, the English common law, or so much of it as had been introduced into each particular colony, remained in force. The Act, however, put a stop to irregular and clandestine marriages in England, and the learning connected with them thus came to be forgotten. In Ireland, they continued, for reasons connected with the unhappy condition of that country. In the year 1842, a man named Millis was tried in Ireland for bigamy committed by him by marrying during the lifetime of a woman to whom he had been married by a Presbyterian Minister in Ireland. His counsel said that the first marriage was void by the common law of England (which applied to the case), because, by that law, the presence of an episcopally ordained minister was essential to the validity of marriage. The Court of Queen's Bench in Ireland was equally divided in opinion on the subject, and the matter went up to the House of Lords. The House of Lords called for the opinions of the Judges, who, after much hesitation, gave it as their unanimous opinion that the presence of a minister episcopally ordained was necessary to the validity of the marriage, and that the man must therefore be acquitted. The House of Lords was equally divided in opinion. Lord Brougham, Lord Denman and Lord Campbell disagreed with the Judges. The Lord Chancellor (Lord Lyndhurst), Lord Cottenham, and Lord Abinger agreed with them. Upon this, the maxim *præsumitur pro negante* was applied, and as the question was whether Millis was rightly convicted of bigamy, the answer given was that he was not. It follows from this that, though the highest Court of law in England has undoubtedly affirmed the principle stated, it has done so merely by applying a highly technical rule to the decision of a Court which happened to be equally divided. If the question had come before the House in a different shape, the presumption would have acted in the other direction, and the contrary principle would have been affirmed. It would be presumptuous in me to express an opinion as to whether the two Chancellors and the Lord Chief Justice of England, who took one side of the question, or the two Chancellors and the Lord Chief Baron, who took the opposite side, were right. I may observe, in passing, that any one who wishes to see the strength and the weakness of English law illustrated in the highest possible degree would do well to study this case. The report of it fills 374 large octavo pages, in which, I think, hundreds of authorities must have been quoted on the one side and the other. Nowhere, on the one hand, can there be found greater learning, greater ability, greater power of argument and illustration. Nowhere, on the other hand, will there be found subjects of such vast immediate practical interest, wrapped so closely in an obscurity which might have been removed by two lines of legislation, nor an equal expenditure of every sort of mental resource with a less satisfactory result in the shape of any definite conclusion. I shall not, however, detain your Lordship and the Council with any observations on this extraordinary case, except for the purpose of introducing the last of my propositions, which is, that it appears on the whole probable, that the exceptional incident which, as the House of Lords decided attaches to the English common law on the subject of marriage did not form an item in that part of the common law which Englishmen carried with them into foreign countries. In such a conflict of authority we may, I think, be permitted to doubt whether the doctrine in question did really form part of the common law of England. If it did, we must suppose, to use the words of Lord Brougham, 'that England 'alone is the one solitary but prominent exception to that law, that rule, that 'polity, that system' (which prevails all over the rest of Europe) 'and alone 'adopts a principle not only irreconcillable with, but in diametrical hostility 'and opposition to, the polity and the legal and ecclesiastical system of all 'Christian Europe.' It would further be necessary to believe, in the words of Lord Campbell, 'that Quakers and Jews, believing they were living 'in a state of lawful matrimony, had been living in a state of concubinage, 'and that their children, who had been supposed to be legitimate, are all to be

'considered as bastards.' Also, 'that marriages performed by Presbyterian 'ministers in England' (probably it should be Ireland), 'in India and other parts 'of the Queen's dominions, which have been considered as lawful, are unlawful, 'and that the parties are living in a state of concubinage and that their children 'are illegitimate.' It would be necessary to account for the fact that one of the most famous cases ever decided on the subject (the case of *Lindo* v. *Belisario*) expressly recognized and proceeded upon the supposition of the existence of a valid form of marriage amongst Jews, though it decided that, in the particular case before the Court, that form had not been observed. It would be necessary to account for the fact that Lord Hardwicke's Marriage Act and various reported cases assume the validity of such marriages as well as that of Quaker marriages. It would further be necessary to suppose that the English settlers in America, and Englishmen resident in India, had entirely mistaken the law under which they lived, for there can be no doubt that, in the United States, marriages without the intervention of any ecclesiastical ceremony or the presence of a priest were and are regarded as valid at common law, and it is equally certain that, for a great length of time, marriages were celebrated between English people in India, otherwise than in the presence of episcopally ordained clergymen.

"I need not detain the Council with an account of the manner in which these difficulties were dealt with by the great authorities who did not regard them as conclusive, or with the difficulties which attach to the opposite view, and which are stated with the utmost force by Chief Justice Tindal in delivering the opinions of the Judges; but I must observe that the Judges who were unanimous in thinking that a contract *per verba de præsenti* was not actual marriage, were equally unanimous in the opinion that such a contract was at common law indissoluble, even by the consent of both parties, and that, but for Lord Hardwicke's Act, specific performance of it by a public and regular celebration of the marriage might have been compelled.

"The immediate inference which I wish to draw upon these matters is a most important, though in a sense a somewhat narrow, one. It is that, whether the peculiarity in question did or did not form part of the common law of England, it was not, at all events, an item of that portion of the common law which the English carried with them into India. The general rule upon this matter is well known and perfectly reasonable. It is that Englishmen carry with them into foreign countries in which they settle so much of the common law as is suitable to their circumstances. It is almost too plain to require illustration, that that part of the English common law which required the presence of a priest in episcopal orders to render a marriage valid would be altogether unsuitable to the circumstances of Englishmen in such a country as this, in which it might, in many cases, be all but physically impossible to fulfil the condition in question. Upon this point there is an express decision of the Supreme Court of Bombay. It is contained in a judgment given by Sir Erskine Perry in the case of *M'Lean* v. *Cristall*. The case went up to the Privy Council afterwards, but was decided upon a different ground.

"This review of the authorities on the subject seems to me to authorize the following statement:—The law of Christian Europe in general, and that part of the law of England in particular, which has been introduced into India, regards the good faith and the intention of the parties, and not the form in which a marriage is celebrated, as the principal test of its validity. If the deliberate opinion of great bodies of men, expressed by their laws, is to be taken as an exponent of justice, equity and good conscience—and I know of no better—this would appear to be the teaching of justice, equity and good conscience upon the point in question. To conclude what I have to say on this head, I ought to remind your Lordship of the intensity of the strain which, at the most memorable period of European history, this principle sustained and survived. I refer to what happened at the Reformation. Christian Europe was then split into

hostile camps, animated against each other by the most determined and desperate hostility. Such epithets as blasphemers and idolators were freely exchanged between the opposite parties, and the wars between them carried fire and sword over every part of Europe, and over every sea in the world for at least eighty years. There was, however, one reproach which neither party in their highest exasperation levelled against the other. When they racked their ingenuity to discover names and phrases which would throw contempt on all that their antagonists held most sacred, they never went so far as to deny the validity of each other's marriages. Protestants might speak of the mass in a way which Roman Catholics described as blasphemy. Catholics might apply to Protestants language which they felt as an intolerable insult, but neither said to the other—'Your marriages are void; the women you call your wives are harlots, and the children born of them are bastards.' The fact that, even at the height of the most furious religious excitement that the world has ever seen, that last reproach was spared in most cases (for I would not venture to say that there were no exceptions), appears to me to have been a practical triumph of justice, equity and good conscience; a practical recognition of the fact that religious differences do not go to the very foundations of human society, and that there are common principles of union which lie too deep to be affected by theological disputes. Such, I think, are the principles by which this matter should be governed.

"I proceed to point out the way in which they bear, as it seems to me, upon the question put by the Progressive Bráhmos to Mr. Cowie. The case which the Bráhmos contemplate is that of a newly formed body of persons professing a common religious belief, and known by a common name, who have, for reasons of their own, adopted forms of marriage differing from those commonly in use. Are such marriages, they ask, valid or not? A second question to which Mr. Cowie refers as being very obscure is whether, if a new sect of Hindús forms itself in the general Hindú body and adopts forms of marriage of its own, those forms would be regarded as valid by the law administered by the High Courts? The answer to the first question would determine the validity of the marriages of Progressive Bráhmos apart from this Act. The answer to the second question would determine the validity of the marriages of the Adi-Bráhmos.

"I should be inclined to answer these questions in the affirmative, but to couple that answer with qualifications which render it obviously desirable that the matter should be dealt with by the Courts of Law, as occasion requires, and not by the legislature by a declaratory enactment. The line which, in my judgment, should be drawn between the provinces of direct and judicial legislation is this. Each has its advantages. When we are sure of our ground; when we clearly understand our objects; where we are laying down rules for institutions with which we are familiar, where, in a word, we have full experience to guide us, there can be no doubt that direct legislation is best. It is the shorter, simpler, more accessible and more distinct of the two. Great, however, as these advantages are, there are cases in which they are counterbalanced by others which belong to judicial legislation. By leaving cases to be settled by Courts of Law, when and as they arise, the necessity for settling an immense number of cases at all is altogether avoided. They settle themselves in a natural way, by the good sense of the parties concerned. In other cases, by delaying the decision of a question till it actually arises, and by then deciding nothing more than is required by the circumstances of the particular case, much needless discussion and irritation is avoided, and—which is far more important—the possibility of inflicting grave injury on classes of persons whose interests are unknown to, or overlooked by, the legislature is to a great extent avoided. I think that a person who should attempt to lay down by a declaratory Act general principles as to the conditions under which irregular Native marriages are to be held void or held good, would be very rash. I should certainly entirely decline the responsibility of attempting to do so. An opinion

may be given on a case clothed in all its circumstances; but to draw up a general Native marriage law, declaring what forms of marriage are, and what are not, valid, and within what limits, and by what means, existing forms may lawfully be varied, would require an amount of knowledge and of wisdom which no human being possesses, and which no rational person could for a moment suppose himself to possess.

"For these reasons, I think that the answer to the question put by the Bráhmos is one which should be given by the Courts of Law on particular cases as they arise, not by the legislature; but I venture to make some observations on the principles on which, as it appears to me, they ought to be decided. How those principles would apply to any particular case is a question on which I can of course express no opinion. The way in which the Courts would deal with such a question, I think, would be somewhat as follows.

"Taking, first, the case of an entirely new religious body with marriage ceremonies of its own, they would proceed to consider by what law the question of the validity of such marriages must be determined. The question assumes that the parties have renounced the Hindú religion (I omit the mention of the rest for the sake of brevity) and to be subject to no other personal law. "This they have a clear legal right to do, without incurring any penalty, both by Act XXI of 1850 and by the law explained in the case of *Abraham* v. *Abraham*. Questions between them must, therefore, be determined according to justice, equity and good conscience. Is it, then, just or equitable, or according to good conscience, that if two of them make a contract of marriage, that contract should be held to be void? I think not. Most people regard marriage as a contract and something more, but I never yet heard of any one who denied that it is at all events a contract, and by far the most important of all contracts. It certainly is not regarded in this country, in all cases, as a contract between the persons married, as it is in Europe; but it certainly is regarded as a contract between some persons—the parents of the parties, or the parent of the girl and the husband. Whatever words we may choose to employ, it is clear that all the elements of a contract must, from the nature of the case, be found wherever a marriage occurs. There must be an agreement as to a common course of conduct; there must be a consideration for that agreement, and there must be, as the consequence, a set of correlative rights and duties. Call this what you will—an institution, a state of life, a sacrament, a religious duty. It may be any or all of these, but it is a contract too, and, in the very nature of things, it always must be so. Where, then, is the connection between these two propositions—A and B are not under the Hindú law. Therefore, A and B cannot enter into a binding contract to live together as husband and wife? It would, I think, be as reasonable to say that, because A and B are not Hindús, they cannot make a binding contract of sale or of personal service. Surely, if any two propositions about justice can be regarded as indisputably true, they are these. It is just that people should be able to enter into contracts for good purposes. It is just that they should perform such contracts when they have been made. But if this is admitted, it must inevitably follow that it is just that they should be able to make, and should be compelled to keep, when made, a contract of marriage; and the fact that they are not subject to Hindú or Muhammadan law, would prove only that their non-compliance with Hindú or Muhammadan ceremonies did not invalidate their contract. It is very common to enact that the observance of certain forms is essential to the validity of certain contracts. In England, land must be conveyed by a deed; contracts of certain sorts must be in writing, and so on. This is peculiarly true of marriages. The observance of special forms is directed by the laws of most nations, though such forms were not, or at least used not to be, in most European countries (as I have shown), essential to the validity, as distinguished from the regularity, of the marriage. The manner of celebrating marriage, however, is matter of form. The intention and

the capacity of the parties to contract is the essence; and if, as in British India, a person is able, at his pleasure, to exempt himself from the operation of the law which prescribes the form, it appears to me to follow, not that he is prevented from contracting at all, but that he is not obliged to contract in any one particular manner. To say that people who have ceased to be Hindús cannot contract marriage, because they cannot practice the Hindú rites, seems to me like saying that, if a man were not subject to the Statute of Frauds, he could not bind himself by a verbal contract to sell goods worth £100, because the Statute of Frauds says that such contracts must be in writing. The inference surely is directly the other way. If a certain law prescribes a particular way of doing a given act, lawful in itself, and you happen not to be subject to that law, the result is, not that you cannot do the act at all, but that you need not do the act in that particular manner.

"I confess that I cannot see how this argument can be answered, except by the assertion that the Hindú law is of such a nature, that a person who by birth and race is subject to it, is permanently incapacitated from contracting marriage except under its forms. That is an intelligible proposition, and would be true if the Hindú law was a territorial law, like the law of England, or the Penal Code in India, or if it were a personal law from which a man could not withdraw himself; but this is precisely what it is not, and to hold that it is, would be to repeal Act XXI of 1850, by inflicting a penalty, to wit, disability to marry, upon persons who renounced the Hindú religion, and so much of the Hindú law as is dependent upon, and substantially identical with, it. Sir Henry Maine supposed that the omission in Act XXI of 1850 of all reference to the subject of marriage arose from inadvertency or from too rigid an adherence to the policy of dealing only with the immediate point which required decision. It may have been so; but I am myself disposed to think that the authors of that Act took account of the very arguments which I have stated, and agreed with me in thinking that, if the matter ever came before the Courts, they would hold that, when a man exercised the right assured to him by the Act, of changing his religion, he acquired, by that very circumstance, the right to form a contract of marriage in ways other than those authorized by Hindú law. Mr. Cowie's opinion seems to assume that people have no right to marry, except under the provisions of some specific law which prescribes for them a form of marriage. The cases which I have quoted appear to me to establish, in the broadest way and on the most general principles, that it is just, equitable and according to good conscience that all men should have a right to marry, although the law to which they are subject may prescribe the manner in which that right is to be exercised. In India, as we all agree, there is no fundamental common law, other than the law of justice, equity and good conscience, upon this subject. If a man is not a Hindú, nor a Muhammadan, nor a Pársí, nor a Christian, nor a Jew, no form of marriage is prescribed for him by law. Does it follow that he cannot marry at all? Certainly not. What follows is, that his rights must be determined by the general maxim that contracts for a lawful object, and made on good consideration, are valid and must be performed; and I have yet to learn that marriage is, in a general sense, unlawful or immoral, or that the promise to perform conjugal duties by the wife or husband is not a good consideration for the promise to perform reciprocal duties by the husband or wife.

"It is of the utmost importance to add to this broad statement of principle an earnest caution against the supposition that it can or ought to be applied to practice without qualifications which greatly diminish its apparent latitude and simplicity. If justice, equity and good conscience require that people should not be debarred from marriage, they may also be said to make wide, though certainly somewhat vague, demands on the parties who contract a marriage otherwise than according to established rules, and what those demands may be no one can, I think, undertake to say until cases arise which raise the question. I will suggest a few points which will show the extreme delicacy of such

questions, the impossibility of deciding them beforehand, and the uncertainty which must in consequence attach to the validity of every marriage which is not solemnized according to some well-known and established rule. In the first place, I think that Judges before whom the validity of such a marriage was brought into question might well take a view of the mode of celebrating marriage closely analogous to that which was taken by the twelve Judges in the case of *Reg.* v. *Millis* as to the common law of England. The Judges in that case thought that, though great latitude was allowed as to forms of marriage by the common law, the performance of some sort of religious ceremony by a minister ordained in a particular way was essential to its validity. Indian Judges might well say in analogy to this, that, taking into account the habits and feelings of the Natives of this country, and, in particular, taking into account the fact that in some cases marriage-contracts are made rather by the parents than by the parties, it is neither just nor equitable nor according to good conscience that a binding marriage should be contracted without any witnesses, any ceremonial, any sort of social sanction derived from the habits of some body of persons connected together by common religious belief or common social habits. Scotch law goes far when it enables a man and woman to marry each other by a few words exchanged in the course of a casual conversation; but Anglo-Indian law would go infinitely further, if it held that two people could, in that manner, convert their children into man and wife. It may well be considered equitable that, if such a thing is to be done at all, it should be done under the sanction of some degree of publicity, and according to some mode of procedure known to and practised by a considerable number of persons. On such a point, the Indian Judges might, perhaps, take as their guide the case of the Jew and Quaker marriages, and say (as the Judges said in *Reg.* v. *Millis*) that the validity of these marriages in England was recognized, not because all marriages *per verba de præsenti* are valid, but because they were marriages performed amongst classes of persons who had attained a recognized and peculiar position for their peculiar religious rites. If the Court took this view, they would have to adjust it to particular cases, and to be guided in so doing by particular facts. They would have to try the question whether this or that marriage had been contracted according to any known rite whatever, and whether the body which practised that rite had such a degree of unity and consistency as to deserve the name of a distinct sect or body of persons. The view they might take upon any of these questions might determine their view as to the validity of any given marriage or class of marriages.

"Another set of questions would arise as to what are the conditions essential to marriage, apart from the established laws of particular sects. Nothing is better established than the principle that an immoral contract is void. But, in the matter of marriages between Natives of India regulated by no personal law, what is immoral? Is polygamy immoral? Is polyandry immoral? Is permanence of the essence of marriage? Again, how is the question of prohibited degrees to be solved? I mention these difficulties as instances of the extraordinary difficulties and uncertainties with which the whole subject of irregular marriages is surrounded. I do not at all say that these questions are insoluble. Many of them probably might be solved if they were brought before a Court of law in a regular manner, and in some individual case which could be considered in all its circumstances, and with reference to all the matters which might be found to bear upon it. For instance, I can well understand an Indian Court holding that, in the case of marriages which, if valid at all, are valid only as contracts, and not under any positive law, they could not recognize polygamy as moral; I can also understand that they might hold that such a marriage must have reference to some recognized rules as to prohibited degrees, though difficulties might, no doubt, arise which a Court of Justice could hardly solve. It is, however, unnecessary to go minutely into the subject. My own opinion is that, if a considerable body of men, bound together by common opinions and known by a common name, appeared

to be in the habit of celebrating marriages according to forms and on terms unobjectionable in themselves, the Courts ought to recognize such marriages as valid, though, in any particular case, there might be circumstances which do not suggest themselves to my mind and which would invalidate the marriage. The fixity of the sect, the propriety of its forms, and the propriety of its terms, would all have to be considered by the Court. I think, in short, that, though it cannot be affirmed with confidence, on the one hand, that all persons who are not Hindús, &c., can marry in any way which sufficiently expresses their intentions, and on whatever terms they think proper, it may also be affirmed that a marriage between persons so situated would be valid, unless circumstances existed which led the Courts to treat it as invalid; but if pressed to say what those circumstances are, I should be unable to answer the question, unless I had the facts of some particular case brought fully before me.

"I could, if time would permit, show at length that the case of the recognition of the validity of Quaker marriages in England confirms this view with singular exactness, but I pass over this in order to refer to a precedent of more immediate application which, I must own, appears to me conclusive.

"It is the case of marriages between Native Christians before 1851, when the Act 14 & 15 Vic., cap. 40, was passed. That Act had several objects, the most important of which was to provide a form of marriage 'where one or both of the parties is or are a person professing the Christian religion.' It was followed by a good deal of Indian legislation—V of 1852, XXV of 1864, and V of 1865—Acts which, I hope, will soon be consolidated into a single enactment. Act V of 1865 prohibits, for the future, irregular marriages between Christians, though 14 & 15 Vic., cap. 40, protects all marriages which would have been valid without it, and confirms all marriages celebrated by laymen before it was passed. It was, however, the first express enactment which provided Native Christians with any form of marriage at all, though there were Native Christians in India long before 1851. I say nothing of the Roman Catholic communities, which were in existence long before the rise of the British power, and might no doubt claim to have their marriages recognized on the ground that they are a valid custom. But there have been large numbers of Protestant conversions of a much more recent date, and marriages took place amongst the converts, often, as I am informed, in a very irregular manner. Were all these marriages void, or were they good? The assertion that they were void would be so repugnant to every principle bearing on the subject that I need not discuss it. I cannot imagine a more ignominious position for any Government than that of being exposed to such a reproach as this. Your own countrymen converted these people to your own religion, and your law rewards their conversion by annulling their marriages contracted according to your own forms, and bastardizing their issue born of those marriages. I am then entitled to assume that these marriages were valid; but by what law were they valid? I say they were valid by the law of justice, equity and good conscience, which, as I have shown, would apply to the Bráhmo marriages. There is no other law which meets the case. Certainly Hindú law does not, nor does the law of England, for the domicile of the parties was not English. If it is said that they were valid by Christian law or the law of the Christian Church, I reply that the expression is improper and, indeed, unmeaning. Christianity is a system of religious belief and imposes, not legal, but moral and religious, obligations. The Christian church in this country is a voluntary association, or rather a common name for a number of voluntary associations, and the rules of the different bodies to which the name is applied are binding only as contracts upon those who agree to observe them. If, therefore, it is said that these marriages are valid by Christian law, that expression must mean that they are valid because, by the law of justice, equity and good conscience, the parties have a right, if they please, to contract to live according to Christian practices and habits; and if this is conceded, I do not know why they should not have had a right to make such a contract, although they might not have adopted Christianity.

"It appears to me impossible to draw any line between the Bráhmo marriages and the marriages of Native Christians before the year 1851. I cannot believe that Hindús, who deserted Hindúism and adopted Christianity, thereupon acquired a right to marry in a manner foreign to Hindú notions, whereas Hindús, who deserted Hindúism and did not adopt Christianity, thereupon came under a disability of contracting marriage on any terms whatever. The only possible way of justifying such an opinion would be by making, in some form or other, the assertion—which no doubt a great many people would like to make—'Christianity is true and every other creed is false. Therefore, if a man becomes a Christian, he shall be favoured in every possible way. If he continues to be a Hindú or a Muhammadan, he shall be left alone. If he becomes an infidel or sets up a new religion for himself, he shall be afflicted by every sort of disability which the law can impose.' To express such a principle clearly is to refute it. We have no right to legislate, and the Courts have no right to decide, on the principle that any system of religous belief or disbelief whatever is either true or false. Our business is to do equal justice to all, independently of their comparative claims to truth. Every one who affirms the validity of Native Christian marriages before 1851, must either admit the validity of the Bráhmo marriages, or he must affirm that, by the law of British India, Christianity occupies a peculiar and dominant position; that it constitutes one of several castes, within the pale of any one of which are to be found law and civil rights, whilst, for those who are outside of them all, no civil rights are possible. This is a position in which, as it seems to me, no Christian can wish to see his religion placed. It would make it a party to a conspiracy to persecute between four or five dominant creeds, each denying the truth of all the rest, but all combining against those who deny the truth of them all.

"It may be asked, if this view of the law is correct, what is the necessity for this Bill? Why not leave the various sects as they grow up to take their chance under the cover of this general principle? The answer is that, though the view in question is my view, it is not the view of the late Advocate General. It is surrounded, as I have pointed out, by uncertainties and difficulties, and, in a matter of this kind, uncertainty is the worst of evils. I consider that the persons to whom this Bill will apply have precisely the same right to have a distinct and indisputable form of marriage provided for them, as the Native Christians had, for whom such a form of marriage was provided by the Acts of 1852, 1864 and 1865.

"I now come to the last point on which I shall have to address your Lordship and the Council. It relates to that part of the saving section which applies to, and which is intended to save, such rights as may belong to what I may call the dissenting sects of Hindús, of which the Adi-Bráhma-Samája may be regarded as a specimen. The validity of the marriages of such bodies is obviously to be determined by the Hindú law, by which the members of the sect elect to abide. It would be presumptuous in me to express an opinion on the question whether the Hindú law would treat such marriages as valid, and, if so, under what limitations. But I wish to make some remarks on the subject, which I think will be found to have an important bearing on the question. The information received in connection with this Bill, and the great general increase which has of late years taken place in our knowledge of Native religions and institutions, has brought to light the fact that there is far more variety and far less immobility about them than was formerly supposed to be the case. Our predecessors looked upon the Hindú religion as one definite thing, and regarded the castes and other institutions connected with it as universal and capable of a simple classification. Experience has shown that this is as far as possible from being the case; that the Hindú religion can no more be described as one than the Christian religon, and that, in common with most other creeds which have extended over any considerable section of the human race, it has a tendency to throw off sects of all kinds, and to generate customs even more numerous than

the bodies which may be regarded as distinct religious sects. The Sikhs are, perhaps, as prominent an instance as can be given of this, and I may add that, within a very few years as we all know, the Kukas have established themselves as an off-shoot of the Sikhs. I apprehend, indeed, that there would not be much danger in affirming that the facility with which new sects form themselves, establish customs of their own adapted to the varying circumstances of the time and country, and yet continue in some sense or other to be, and to be considered, as Hindús, is one of the most characteristic features of Hindúism. English law is the very antithesis to this. The first rule as to the validity of a custom is this—'It must have been used so long that the memory of man runneth not to the contrary.' Now, the memory of man runneth, according to English notions, to a particular point (I need not here enquire precisely what point) in the reign of Richard the First; that is, to the end of the twelfth century, or, at present, for not much less than seven hundred years. No one, of course, would say that this rule ought to be applied to India. Its rational equivalent would be, that usage for a considerable period of time, usage of which the origin cannot be traced, is essential to the validity of a custom. I must say that even such a rule as this appears to me to be open to very great question, if it is to be applied to such a subject as the validity of particular forms of marriage. I hope that any Court of law in India would hesitate long, and look cautiously at the possible consequences of their decision, before they decided that a marriage was void merely because it was celebrated according to the rites of a Hindú or other religious sect of recent origin. Surely it would be monstrous to deprive the Hindú religion, by judicial decisions, of what has hitherto been its most characteristic feature—its power of adapting itself to circumstances. It would, I should say, be a less evil to hold that the most irregular marriage was regular, than to bastardize, for instance, the whole Sikh community, on the ground that an English Court considered that the Sikhs were not orthodox Hindús. Yet this consequence seemed to Sir Henry Maine to be so closely connected with Mr. Cowie's opinion, that he distinctly referred to it, and declared, on the strength of it, that Mr. Cowie's principle was one 'of most formidable consequence.' I may be asked where the Court should draw the line? I answer that I do not know, but that, if such a question is meant to suggest that no line can be drawn, it shows ignorance of the nature of one of the most important functions of Courts of Justice. It is their duty—and it is impossible to imagine one of greater delicacy or importance—to decide questions of degree, questions of more or less, questions in which circumstances impossible to foresee modify the application of general principles in an unexpected manner. This is the case in all parts of the world, but I can imagine no country in which such a function can be either so important or so delicate as it is in India. Give a specific case, and it is possible to say what are the leading circumstances in it which enable the Court to give judgment upon it. Try to lay down a general rule beforehand, or try to say, before the case actually occurs, what the effect of the addition or subtraction of various circumstances would be, and you may find it impossible to do so. To show how immensely important it is to be cautious to the extreme in this matter, I would refer to a case which has been suggested to me by my Hon'ble friend Mr. Robinson. It is the case of the Nayárs on the coast of Malabar. Amongst the Nayárs there is, Mr. Robinson tells me, legally speaking, no such thing as marriage at all. On the principle that you cannot tell who is a child's father, the rule of inheritance is, that the sister's son inherits. I am also told by Mr. Robinson, who has great special knowledge of the subject, that in spite of this custom, marriage is practically as common and as binding amongst the Nayárs as in many other races. The connections which they form usually last for life, and are marked by a great degree of mutual fidelity. Many of them, I am told, feel that this way of life is degraded and bad. They wish for the institution of marriage. They cannot, of course, accept it at our hands, and it would hardly occur to them to ask relief of this Council. Suppose

that they were to adopt marriage customs of their own, not, indeed, regulated by our notions, but founded on principles which to them might appear natural! why should our Courts treat such marriages as void? Why should they bind upon the Nayárs a custom which, according to our principles, is hideous and unnatural, merely because they do not propose to escape from it by the precise road which we should be inclined to point out? If it were not for English law and English Courts, no difficulty would have arisen on matters like these. New sects which might have arisen would have adopted their own usages, and would have lived or died according to the degree of vitality which they might contain. Their marriages and other customs would, if they lasted, have taken their place amongst the other customs of the country, and would have been treated as equally valid with those which are in more general use. Why should we interfere with this state of things? Why should we constitute ourselves guardians of Hindú orthodoxy? Why should we determine at all what is, or is not, orthodox, according to Hindú notions? Why should we interfere with the natural course of events? There can, I imagine, be but one answer to these questions, namely, that no course can be more unwise, more opposed to our settled policy, more unpopular with the Natives, or more unjust. All that can be said for it is, that it is more or less favoured by certain analogies which may be drawn from a part of English law which has less in common with India than almost any other part of it. It is upon these grounds, my Lord, that I think it impossible to lay down, beforehand, with any approach to completeness, all the essentials to the formation of a new and valid custom as to marriage. It is possible to affirm, in general, that the mere fact that a Hindú sect is of recent origin, and that it has adopted forms of celebrating marriage differing from those commonly in use, are not sufficient to prevent such marriages from being held valid by Hindú law as interpreted and administered by our Courts. The application of this general principle to particular cases cannot, of course, be made without a full inquiry into the circumstances of the particular case, and it would obviously be improper for me, on this occasion, to enter upon such an inquiry in relation to what is called the Adi-Bráhma-Samája.

"I have been informed that some of my hon'ble friends wish that this Bill should not be passed to-day, but that its consideration should be delayed, for what length of time I cannot say. Their reason for making this proposal is that sufficient time has not as yet been afforded since the publication of the Bill, as at present framed, for the expression of public, and especially of Native, opinion upon this subject. I cannot agree in this view of the case. The question now before the Council is substantially the same as that upon which Native opinion was so freely expressed three or four years ago. This Bill has been before the public in Bengal at least for a month, and a considerable expression of opinion upon its provisions has taken place, which, as far as it goes, has been favourable to the Bill. The Council must also bear in mind the fact that the Bill is not a measure of detail. It is a matter of principle upon which, after all, the Council must decide, and as to which it has now as good materials for decision as it is ever likely to have. I see no advantage, but great inconvenience, in soliciting objections to the principle of a measure upon which it is idle to expect unanimity amongst the Native populations. The real substantial objection to this Bill is, that it recognizes the fact that a considerable number of persons have left their old religions, and that they had a right to do so. No doubt many persons have that feeling, and do object to the principle of this Bill as they objected to the principle of Act XXI of 1850; but surely this is an objection to which the Government cannot possibly give way, whoever may entertain it, and what use can there be in provoking the expression of an objection to which we do not intend to give way?

"I hope, too, that the Council will recollect that a delay in passing this measure is a substantial and very heavy grievance upon the persons principally

interested in the Bill. They have been kept in suspense for four years, and I submit that it will be a grievous hardship upon them to suffer the matter to be again postponed.

"There is a personal matter on which I must say a word, though I can only place myself in the hands of the Council. In the course of my communications with the different persons interested in this Bill, I have, as far as it was in my power to do so, pledged the Government to the measure, and promised that it should be enacted. Of course I could not, nor could the Executive Government, answer for the Council, but I think that the fact is one which should be before the Council for their consideration in giving their decision on the subject. Of course they will attach to it such weight as they think right, and no more.

"The amendments, of which I have given notice, are not, I believe, objected to by my hon'ble friends. Their proposal is that the passing of the Bill as amended should be deferred.

"These, my Lord, are the observations which I have to make on this important Bill."

The Motion was put and agreed to.

The Hon'ble MR. STEPHEN also moved the following amendments:—

That the following new section be inserted after the preamble as section 1, and that the numbers of the subsequent sections be altered accordingly:—

"1.—This Act extends to the whole of British India, and shall come into force on the passing thereof."

That clause (4) of the present section 1 be altered to stand as follows:—

"(4). The parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal.

1st Proviso.—No such law or custom, other than one relating to consanguinity or affinity, shall prevent them from marrying.

2nd Proviso.—No law or custom as to consanguinity shall prevent them from marrying, unless a relationship can be traced between the parties through some common ancestor, who stands to each of them in a nearer relationship than that of great-great-grand-father or great-great-grand-mother, or unless one of the parties is the lineal ancestor, or the brother or sister of some lineal ancestor, of the other."

That in the present sections 3, 5, 6 and 7, instead of the words "five days," the words "fourteen days" be substituted.

That the words "unless she is a widow" be inserted after the word "guardian," in line 8 of the present section 9.

That the following be substituted for the present section 20:—

"20.—All persons who have heretofore contracted marriages in the presence of at least two witnesses, according to any form whatever, may at any time, previous to the 1st January 1873, have such marriages registered under this Act, and such marriages shall thereupon be deemed to be and to have been as valid as if they had been contracted and solemnized under this Act: Provided that persons who register marriages under this section must, on such registry, sign a declaration in the form given in the fourth schedule to this Act.

"No marriage shall be registered under this section, unless conditions (1), (3) and (4) of section two were complied with; and no such marriage shall be registered under this section if, during its continuance, either party has contracted a subsequent marriage."

And that the schedules be amended in accordance with the foregoing amendments.

The Motion was put and agreed to.

The Hon'ble MR. STEPHEN then moved that the Bill as amended, together with the amendments now agreed to, be passed.

The Hon'ble Mr. Inglis said:—"With Your Lordship's permission I beg to move that this Bill be recommitted, and referred for report to the several Local Governments, in order that we may obtain the opinion of the Native public on its provisions.

"I wish to state here, that I agree with the Hon'ble Mr. Stephen that a Marriage Bill such as that proposed by him, to give validity to the marriages of the Progressive Bráhmos, should be passed; but while I agree with him so far, I am decidedly of opinion that, in the settlement of the details of such a Bill, we should not only invite, but should seek the assistance of Native advice. If we do not do this, I fear there is reason to apprehend that, unintentionally doubtless, we shall open a door to many abuses we cannot now foresee, but which may hereafter cause much trouble and misconstruction. I think that free and unreserved communication with the Native public would prevent our falling into mistakes of this kind.

"I signed our report on the Bill with much reluctance, and on the distinct understanding that the Bill was to be published in the Gazette, in order that, before it was again brought before this Council for consideration, the Native community of all classes and creeds should have ample opportunity given them to express their opinion on it, and to offer suggestions for its amendment or alteration.

"The Bill introduces, for the whole of British India, an entirely new marriage law, entailing consequences certainly opposed to the feelings of the majority of our Native fellow-subjects, and contains provisions on which I am at present quite unable to form a decided opinion, and on which, before I give my final vote for the Bill, I should like to have time to consult my Native friends.

"For instance, the only material difference between this Bill and that introduced by Mr. Maine, which was universally condemned, is that it requires a declaration from any one desirous of being married under its provisions, that he does not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion.

"The Hon'ble Mr. Stephen, as I understand, holds that this declaration will not be made by any one who has not, after full thought and reflection, determined to abandon for ever the particular one of these religions in which he was brought up; and further, that such a declaration will for ever bar the return of the person making it to the religious communion he then states he does not belong to; that it is, in fact, a lasting and binding renunciation on his part of his former religious persuasion, and that, consequently, the dangers anticipated from Mr. Maine's Bill have been avoided in this one.

"Now, I am unable to agree in this opinion. I am doubtful as to what the effect on the social position of a Hindú, Sikh or Buddhist would be, of a mere declaration before a Marriage Registrar, probably of a different race or caste from himself, that he does not profess the Hindú, Sikh or Buddhist religion. I doubt whether such a declaration, made under such circumstances, would exclude him permanently from his caste, or, indeed, that it would carry any social penalties with it.

"If the effect of such a declaration is not to permanently exclude the man making it from his caste, and would not of itself prevent his resuming, immediately after the marriage his previous position in the community he belongs to, then it will have little or no force at all, and would not operate to deter a man from contracting a marriage he was bent on, but could not compass except under the license afforded by this Bill; so that the Bill differs very little in fact from that formerly introduced by Mr. Maine: for if, notwithstanding the declaration required, a man may obtain for himself a marriage law altogether at variance with the feelings of his brethern, and opposed to their religious tenets, while it entails on his children new laws relating to marriage and inheritance, and

still remain a member of the Hindú, Sikh or Buddhist communities, then it seems to me that the objections urged against Mr. Maine's Bill apply with almost equal force to this.

"I need not refer to the arguments against such a Bill. They have been fairly and fully stated just now by the Hon'ble Mr. Stephen, and are contained at length in the reports submitted by the Local Governments, which have been seen by all the Members of this Council.

"It may be replied that section 22 of the Bill renders the person making a false declaration under it liable to punishment under the Indian Penal Code; but this section would not cover the cases I now refer to: it would be impossible to prove that the declaration was false; the man would say, it was true that on the date I made that declaration I did not profess the Sikh religion, but since then I have reconsidered the matter, made the necessary offerings, given the usual dinner, and have returned to my former faith.

"Again, it seems to me deserving of serious consideration whether the facilities afforded by the Act for clandestine marriages may not cause serious evils. I think there is ground to fear that advantage might be taken of them by designing parties to entrap young lads of family position, infatuated with some dancing girl, and utterly reckless of consequences, into a marriage which can only end in disgrace and ruin. The extraordinary influence frequently obtained by women of this class over young men is well known to all who have seen much of Native life. Men under such influences would not, I believe, hesitate a moment, while their frenzy lasted, to make the declaration required by the Act in order to obtain their ends.

"It must be remembered, too, when considering how far the Act may be abused in this manner, that a marriage under its provisions will be a very different matter from the half-marriages now occasionally contracted by lads under such circumstances and influences. Their after-life is not materially affected by them; but a marriage under this Act, once declared to be binding by the Registrar, cannot be dissolved except under the provisions of the Indian Divorce Act. The man can contract no other marriage during the woman's life-time, and the children born after the marriage inherit under the Indian Succession Act.

"I feel that I am at present quite unable, without consulting Native opinion, to say how these questions should be answered, or how other provisions in the Bill, which militate against Native habits of thought and feeling, will be viewed by our Native fellow-subjects; but I think I have said enough to show that it is very necessary we should have their opinion on the details of the Bill before it receives your Lordship's assent.

"As yet the people of the country have not had this opportunity given to them. The original Bill, the only one on which the opinions of the Natives of the country has been asked, was received throughout India with the strongest expression of disapproval from all classes of our Native fellow-subjects, and was accordingly given up. In its place the Bráhma Marriage Bill was substituted, which was on the eve of passing last year, when, owing to the remonstrance made against it by the members of the Adhi-Bráhma Samája, it was withdrawn, and the Bill now before us substituted in its place, which was published for the first time about three weeks ago.

"If the Bill were a mere Stamp Act, or one for consolidating the Regulations relating to the Civil Courts, or something of that kind, I would not press for delay; but as it is one which may affect very seriously the private life of the whole Native community; as it is certainly liable to misconstruction, and as the full effect of some of its provisions cannot be predicated by us now, I think it advisable that it should, before it becomes law, be subjected to the freest discussion, and that the Bill itself, together with the speech of the Hon'ble Mr. Stephen explaining the reasons which have led to

its introduction, should be made generally known, through the Local Governments, to the Native public of India, in order that their opinion on its provisions may be obtained and carefully considered before we come to a final determination on it.

"I think it certain that if this is done, and full time is given, the Bill being circulated, as I propose, throughout the country, we shall receive many very valuable suggestions for its improvement and amendment. I trust, therefore, that the Council will grant the delay I ask for."

The Hon'ble MR. COCKERELL said :—"I fully approve of the principle of this Bill; and, as at present advised, I am entirely at one with the hon'ble and learned mover as to the form in which it is proposed to give effect to that principle. I do not share the apprehensions suggested in the remarks of the last speaker as to the tendency of the Bill to bring trouble and disgrace into respectable families by promoting or facilitating disreputable marriages. It does not admit of the contracting of marriages where the male party thereto is of less than eighteen years of age, has not, in fact, attained his legal majority.

"Now, I think that every man in such a position must be left to the exercise of his own free will, and that the further imposition or maintenance of legal restraints on such exercise is unnecessary and impolitic.

"In Western countries, where no such legal restraints have ever existed, disreputable marriages of the kind apprehended by my hon'ble friend (Mr. Inglis) are of comparatively rare occurrence; social considerations, family influence, and regard for the credit and reputation of the family name—these prove sufficient deterrents, and I do not think that, here, such restraining influences are likely to be in any degree less effective.

"I do not therefore think that any cause has yet been shown which should prevent us from eventually passing the present Bill into law; but I am also of opinion that, under all the circumstances of the case, the time for its enactment has not yet arrived, and I concur in the view of my hon'ble friend (Mr. Inglis) that its further postponement is necessary. It is true that the project of relieving, by special legislation, certain persons who are assumed to be under legal disabilities in regard to their marriages, has for a very long time been under discussion, and it may well be conceded that the application of a remedy is extremely urgent; but it is also true that the Bill, in its present shape, represents the *third* phase of the attempt to legislate in this very important matter, and that circumstance alone should, in my judgment, constrain us to proceed with extreme caution; for the slightest reflection on the radical changes which the measure has already undergone during its progress through Committees, must show conclusively how very imperfect the information on which we have acted has been, and how completely dependent we are, in the consideration of such a matter, on the opinions of the Natives of this country.

"It is said that so much time has already been expended on this measure that we are not justified in allowing further delay to take place; that we have admitted the existing evil, and we are bound to apply a remedy without loss of time. I hold that, whatever may be the evil of delay, the danger of precipitancy in such a matter is much greater, and that this has been clearly demonstrated by the circumstances of the present legislation; for, as has been remarked by the last speaker, only a few months ago we were on the point of passing the Bill in its last preceding form; it was by the merest accident that we escaped placing on the Statute-book an enactment which we all now agree would have been very unsuitable: yet the Bill, in that form, had been so fully discussed, that it was thought ripe for enactment, and the motion for its passing into law had been entered on the List of Business. It was positively at the eleventh hour only that a pressing remonstrance reached the hand of the learned mover, and so arrested the consummation of the enactment in its then proposed form.

"It is admitted by the hon'ble and learned mover that the present form of the Bill has been before the public for little more than a month; so sensible were the members of the Select Committee of the necessity—having regard to the previous history of the proposed legislation—of giving time and opportunity for an expression of public opinion upon their latest conclusion in this matter, that, in their report on the Bill, they recommended its publication in the official Gazette.

"Scarcely more than three weeks have elapsed since it was so published; and when we take into consideration the limited circulation of the *Gazette of India* and the delay which must take placè ere its publications are extended over a wider area by transfer to the various local Gazettes, we must realize the fact that, to proceed with this Bill now is to reduce its previous publication to an empty and useless formality; and that, were the Members of the Select Committee who made that recommendation now to assent to the immediate passing of the Bill, they would, by so doing, stultify their previous action in the matter.

"On these considerations I shall support the amendment."

The Hon'ble MR. BULLEN SMITH desired to record his entire concurrence in the views which had been expressed by the last two speakers. It might be, and certainly was, a matter of great regret that any body of men should labour under disabilities so great as those which had been put so clearly before the Council by the Hon'ble Mr. Stephen. But, at the same time, he (MR. BULLEN SMITH) was disposed to consider it a still greater evil that anything savouring of precipitate legislation should emanate from this Council. He considered it a minor evil that an important, but still somewhat small, body, who were specially interested in the speedy passing of this Bill, and who had already remained for a considerable period in the condition which had been described, should continue to remain in that condition for a short time longer, than that a charge of precipitance should be applied to this measure, such as had been sometimes applied to measures of a different character which had emanated from this Council. As his hon'ble friend, Mr. Cockerell, had said, any publication of the Bill which could have taken place since the Select Committee had signed their report on the 21st of last month, could not have been a publication of any effect in the sense of making the provisions of this Bill known throughout the length and breadth of this country to every part of which it was to apply; and therefore, whilst recognising to the full the regretfulness that any body of men should labour under a disability of this kind, he (MR. BULLEN SMITH) concurred in asking for further time, inasmuch as, if this measure were passed now, it might involve the still greater evil to which he had referred.

The Hon'ble MR. STEWART desired to say that he also concurred with the hon'ble Mr. Stephen in the expediency, if not necessity, of this measure; but for the reasons which had been stated by the three preceding speakers, he thought that the delay which was asked for was advisable, and he should therefore vote against the motion before the Council.

The Hon'ble MR. CHAPMAN said:—"I am constrained to vote against the immediate passing of this Bill.

"I readily admit that the small sect at whose instance this measure has been introduced have a perfect right to represent the disabilities under which they believe themselves to be suffering in respect to the legal celebration of their marriages. And I conceive the Government are doing no more than their duty in affording them relief from these disabilities. Nor do I, as far as I understand it, object to the Bill itself. It seems to me to deal with a most delicate subject in as cautious and safe a manner as possible. As a Member of the Select Committee, I can bear testimony to the scrupulous care and anxiety with which my hon'ble friend, Mr. Stephen, has endeavoured to frame it, so as to avoid doing violence to the feelings of the great mass of the people, who reverence and adhere to their ancient forms of faith.

"But what I do complain of is the unseemly haste with which it is proposed to enact this Bill. When I signed the report three weeks ago, it was with a recommendation that the Bill be published in the Gazette. It is true that this recommendation has been literally complied with; but, practically, the country will not hear of the Bill until it has been passed into law. Now, my Lord, I do not suppose it is possible for this Council to touch on any subject which is more calculated to arouse the apprehensions of the people than the one with which this Bill deals. Surely they are entitled to make known their views in such a matter; and surely it ought to be the special care of this Council to allay and remove the distrust and misapprehension which the very notion of legislating on such a subject is almost certain to evoke. There is nothing whatever to conceal, nor is the measure one that calls for immediate or pressing action; and I would therefore ask what possible objection there can be to inviting the fullest and freest criticism? There may, even after all the care and attention that have been bestowed on this Bill, be some important suggestions which we might with advantage have adopted. Only late last night I received a communication from certain influential gentlemen in Calcutta, containing their views on the Bill, and offering certain suggestions. I had to pass on the paper at once to other members, and therefore had not time to form a judgment on it; but it is quite possible the representatives of other communities, in other parts of India, may be desirous of expressing their opinions on what they rightly consider so important a topic. And I think they will have just cause of complaint if they are denied the opportunity of doing so. They will have the greater reason for reproaching us, when they consider the different and varied proposals that have from time to time been put forth in this Council, and which have been withdrawn or altered, mainly on their representations. There was, first, Sir Henry Maine's Bill, of which I shall only say that I am heartily glad it was abandoned; there was then the special Bráhmo Bill of my hon'ble friend, introduced only a few months ago, and which was also withdrawn in deference to the views of a certain section of the community; and now there is this third measure, which we are asked to pass into law within three weeks of the date of its introduction. There are those who may, perhaps, consider that, if the Government have made up their minds to a certain line of action, they had better adopt it at once without further discussion. A Native Chief, whom I once took to witness the proceedings of our Bombay Council, was of this opinion. After all the different forms of first and second readings and committal had been explained to him, he turned round to me and said, 'Saheb, I cannot see the use of all this. Why, if the Sarkár are satisfied that a certain law is good and necessary, don't they pass a hookum to that effect and have done with it?' My Lord, I can understand such a line of reasoning commending itself to the mind of a despotic Native Chieftain, but I trust it will never find favour with your Lordship or the Members of this Council.

"I earnestly trust my hon'ble friend will consent to postpone the final consideration of this Bill until the latest convenient date, in order to ensure, as far as possible, its provisions being made public and thoroughly discussed."

The Hon'ble Mr. Robinson said:—"My Lord, I beg to support the amendment just proposed by the Hon'ble Member for the North-West Provinces, namely, that this very important measure, having regard to the social feelings and family interests of the Native community throughout the length and breadth of the country, be *not* passed into law without giving to those who are not in the immediate vicinity of the seat of your Government ample opportunity for fully declaring their views on the subject and for considering its effects.

"The measure is one of general application and of great moment; for I believe that there is not a race or family in the country which may not sooner or later have a direct interest in its provisions. It is therefore worthy of the

maturest deliberation and widest discussion, and has no claim to be treated as if meant for the special relief of a limited class and to be passed hurriedly in their interest.

"I wish to explain that I signed the report of the Committee on this Bill with the utmost reluctance and hesitation, because I think that it is neither seemly, safe nor right to discuss or pass a measure of this very general character, on a subject which affects the most intimate relations of Native family-life, without having deliberately provided for the fullest expression of Native judgment and feeling on its provisions, both in this Council and in Committee.

"I need scarcely say that this has not been secured for the measure now before the Council. For all practical purposes, the Bill is a new one. But beyond a few petitions which have been circulated on the subject, whose authors may be called the direct promoters of this Bill, Native society throughout this country has of necessity been silent as to the probable effect of its provisions; and if this Bill be now hurried through the Council, all opportunity of discussing it will be practically denied to the country. How wide-spread are the interests involved, may be inferred from the learned exposition to which we have listened.

"The history of our attempts at legislation on this important matter, and the almost unanimous condemnation of *two* abortive Bills which have been brought under the consideration of Native society, must warn us to accord to the country ample time to consider the effects of this new Bill, and to express their views on it in the only way now left to them, that is, through their respective Governments, who must again deliberately call the attention of their people to this Bill.

"I support the Hon'ble Member's motion with much earnestness and assurance, because, ever since I have been honoured with a seat in this Council, I have been painfully conscious—as in this matter—of the very serious disadvantage under which the discussion of almost every measure which comes before it lies, from the entire absence of Native judgment—and I will add Native loyalty—from its deliberations.

"I will not trust myself to say more on this, to my mind, very weighty matter, for I believe your Excellency is alive to the anomalous condition of things and anxious to correct it.

"But I cannot, under the circumstances, bring my mind to hurry a measure of this kind through Council without a single Native being present to tell us —under the responsibility of a seat in this Council, and judging from a Native point of view—what its effects may be, and what are the feelings of our Native fellow subjects in general about its provisions. I cannot assent to a motion which will practically preclude our learning the feeling of the vast Native populations who do not reside immediately round the seat of Government.

"It were futile to think that the Native public have as yet had any chance with this Bill. Brought on immediately before the Christmas holidays, I believe that I am not wrong in conjecturing that it can scarcely have appeared in the Gazette of the Presidency from which I come. If any Hon'ble Member will take the trouble of turning to the papers from that Presidency which have been circulated to the Members of this Council, they will see how careful the Government of Madras are to ascertain, by direct appeal to many of the ablest men in the country, the views of Native society on a subject of which that Government certainly realizes the importance. My Lord, I claim for the people of the South another hearing at your hands on this new measure.

"I forbear any discussion of the provisions of this Bill. They have, in general, my approval, subject, however, to the result of further and wider discussion by those most interested; by those who, I believe, are alone competent to advise us safely on a matter of this kind."

His Excellency THE PRESIDENT said:—"I was not aware till yesterday that there could be any reason urged against the immediate passing of this Bill.

"The Hon'ble Members who have taken objection to the proceedings which my hon'ble friend has recommended in Council seem to have forgotten that this important question has been before the Indian public for about *four* years; that every Native authority in India has had an opportunity of giving an opinion upon the subject, and that the main provisions of this Bill have been more or less discussed in connection with former proposals which have been made.

"The Bill, as it is now framed, explained and described by the powerful arguments of my hon'ble friend, is necessary to relieve a portion of our fellow-subjects from a distinct disability, nay, even from a penalty, under which they labour. It is in thorough harmony with the principles upon which the Government is founded, namely, complete and entire liberty and tolerance in respect of every religious creed within the limits of the empire. I cannot conceive that any man will venture at this time of day to object to this principle, the existence of which is coeval with our rule in India. On the part of the Government I must say that I am quite prepared to declare that we are determined to carry out that great principle in this matter, and that we intend to relieve this, the Bráhma-Samája, or any other sect of our fellow-subjects, from any disability under which they labour. Other religious sects in India have been similarly relieved; and no matter what reasons may be brought to the contrary, I am prepared here to say that this Government will never consent to continue a state of the law which has the effect of imposing a severe disability upon a portion of our fellow-subjects, going, possibly, even to the extent of making their wives concubines, their children bastards, and rendering the devolution of their property insecure. As far as the principle of the measure, therefore, is concerned, the determination of the Government is to enforce it.

"With regard to the details, we are convinced that, as the Bill now stands, it interferes in no way with the religious freedom, practice, or authority of any sect or creed, be it new or old.

"I do not believe that the most orthodox Hindú—a Hindú who is most attached to his religion—would ever declare that persons who secede from that religion are to suffer disabilities with regard to marriage; in fact, if I am not mistaken, it will be found, in the earlier papers which have been published on this subject, that Hindú authorities have declared that laws affecting the marriage of persons other than those who profess the Hindú creed are matters of indifference to them, and that, in the discussion of such measures, they, as Hindús, had no concern. It therefore seems to me that the plea for delay in this case is somewhat overstated. We must further recollect that those who enforce or try to press this plea of delay on this occasion, one and all, profess themselves entirely favourable to the principle of the Bill, as I believe every Englishman in the country must be. All that can be said, therefore, is, that if nothing can be urged against its principle, perhaps, from some remote quarter of India, some person may raise some particular objection to some of the details.

"No one is more unwilling than I am to give even colour to the cry of hasty legislation which has occasionally been brought, with great inaccuracy, against this Council.

"In the present instance, the allegation is altogether groundless, seeing that the question has been discussed over and over again in every shape and form for four years.

"At the same time, if there are members of this Council who really believe that there is a possibility of a valid objection being made to the details of this Bill, or of suggestions coming up from any part of India for the improvement of its provisions, I for one should not be prepared to offer any objection to the plea for postponement for a very short time. But the postponement must be limited; and, in agreeing thereto, I must again repeat that it is the firm determination of the Government to pass this Bill. My hon'ble friend (Mr. Stephen)

referred to a personal promise which he gave to some of the members of the Bráhma-Samája who are most interested in this measure, and most naturally desire a speedy relief from the disability under which they lie, the disadvantage of which they deeply feel. I myself informed one of the most distinguished members of the Bráhma-Samája that their case for relief was complete and ought to be met, and therefore, in consenting to the short postponement of this measure, I hope it will be distinctly understood that we intend to pass the Bill as nearly as possible in this form—at all events embodying its leading principle—and that, no matter what objection may be taken by any community in any part of India, the Government is pledged to the passing of the measure, and intends to redeem that pledge.

"In confirmation of what I have said, it is only necessary for me to call the attention of this Council to the words of that great proclamation which was issued in 1858, when the administration of the empire passed from the hands of the East India Company to the Crown.

"The old policy of the Company was then thoroughly approved, and a distinct pledge was given to the people of this empire, that no man should be permitted to lie under any disability on account of his religion. The words are, 'that all should equally and alike enjoy an equal and impartial protection of the law.'

"The sect of the Bráhma-Samája have proved that, in respect to their marriages, they do not enjoy an equal and impartial protection of the law. That being so, we intend to give the necessary relief.

"In consenting, therefore, to the postponement of the further progress of this Bill for one month, I distinctly announce that it is the intention of the Government to press and pass it into law as soon as possible."

The Hon'ble MR. STEPHEN said that, after what had fallen from His Excellency the President, he desired to make but one observation in respect to the postponement which had been asked for. He thought that if we re-committed the Bill, and if the Bill was sent to the Local Governments for further opinion, the time which would be occupied in that process would be much longer than one month, and it would be in reality postponing the measure for an indefinite time, when the whole constitution of this Council might be altered. He thought that if the motion were agreed to, it should be distinctly understood that it should not be submitted to the Local Governments for opinion, but that anybody who wished to do so, might submit any observations or suggestions which he desired to make.

The Hon'ble MR. STRACHEY would only add a few words, to say that he completely agreed with what had just fallen from the Hon'ble Mr. Stephen. While he thought that there could be no particular objection (though he personally regretted even a short delay) to the postponement asked for, if the object were merely to give to the Native public the opportunity of bringing forward any spontaneous expression of their opinion, he earnestly deprecated any further reference to the Local Governments on the subject. Besides the objection which the Hon'ble Mr. Stephen had made, on the ground that it would tend to extreme delay and would practically hang up the measure *sine die*, MR. STRACHEY thought there was another reason which made that further reference extremely undesirable. It seemed to him impossible that anybody could look through the voluminous mass of papers on this subject, without seeing that we had before us already as complete information regarding the views of the Native public on every point of importance relating to this measure that we could possibly ever expect to get. Now this, he thought, was by no means a question regarding which we could safely go on for an unlimited period, asking for criticisims and opinions from the Local Governments. We all knew how prone the minds of the people of this country were to all sorts of

ignorant fancies and suspicions in regard to matters which seemed to affect their religion. He thought the Council would be doing a most foolish thing if it were to run any risk of stirring up doubts and difficulties respecting this measure, which it was perfectly certain had now no existence, and which would never have any existence unless we went out of our way to excite them. He thought it was certain that the Council had now before them quite sufficient information to authorize them to pass this Bill, which, they might confidently hope, whilst it provided a sufficient remedy for the particular evils it was designed to meet, did not run counter to the opinions and the religious feelings or prejudices of any class of their Native fellow-subjects. There was now an opportunity of settling this matter in a quiet and reasonable way, and he thought it would be very wrong to defer for any length of time, a measure of justice to a respected body of our fellow-subjects—a measure of justice which had been a great deal too long delayed already.

The Hon'ble MR. ELLIS was glad that His Excellency the President had suggested a postponement of this Bill for a short period, on the general principle, that it was never advisable to hurry through this Council any Bill to which the objection was taken that full opportunity had not been afforded for its discussion. But, at the same time, he was sure that, in this special case, there was as little occasion for delay as there could be in any case whatever; for, not only had the subject-matter of this Bill been under discussion for four years, but even the principle involved in this measure had virtually been already fully discussed in the papers which had been presented to the Council on the occasion of the introduction of the former Bills on this subject. To all those Bills objections had been taken, and MR. ELLIS thought most reasonably, by the Native communities, and by the Local Governments, on the principle that the religion and creeds of other people were being interfered with for the benefit of one sect of the community. At the same time that that objection was urged, every Local Government without exception, and every Native community that expressed any opinion at all upon that point, assured the Council that there was no objection to a Bill framed upon the principle upon which the present Bill was based. He thought, therefore, that we had every assurance that the Native communities and the Local Governments had no valid objection to offer to this Bill, because they had already discussed it, and had already virtually expressed an opinion in favour of it. No one was more opposed to the former Bill than he was, or to any Bill that would interfere with the orthodox creeds of those who maintained the faith of their fathers; and he was pretty sure of his ground when he said that he was convinced that those who objected to the former Bill, would have no sort of objection to raise to the principle upon which the present Bill was based. Moreover, he believed that the matter had been sufficiently discussed here, and had even been discussed in distant Bombay. He had carefully watched the Native papers, and the weekly reports on the Native papers submitted to the Government; and he might say that, in all those papers, there had been no expression of the slightest dissent from the Bill. He would read to the Council an extract from one Native paper fully approving of the Bill :—

"We think this is a very fair decision of the question which has proved a crux to the Legislative Council of the Viceroy for more than the last two years. No party, we think, can fairly complain of the measure as it now stands after the amendments and changes it has undergone in the Select Committee."

This was from the *Indo Prokash*, which represented the opinions of an influential portion of the Hindú community. Apart from what he saw in the papers, he also took the precaution of writing to a gentleman who occupied a high position in Bombay as a member of the Hindú community, and MR. ELLIS asked him whether he saw any objection to the Bill as it stood. He told MR. ELLIS that, although strongly opposed to the former measure, he was thoroughly

satisfied with this Bill, and that he could not conceive that any reasonable man could offer any objection to it.

MR. ELLIS thought that, if the hon'ble members who asked for delay had taken the trouble to write to their friends in Madras and Bombay, they would have been in a position to afford some information of the Native feeling on the subject in their Presidencies. He had done so in a small way, and he thoroughly believed, from what he had observed in the Native papers and from what he had ascertained on the subject, that there was no objection on the part of the Native community to the Bill as it now stood. However, as he had before said, as it was not wise to hurry the Bill through the Council, and as some delay was required, he completely agreed in the suggestion made by His Excellency the President, that it should stand over for one month, and he would suggest to his hon'ble friend, Mr. Inglis, to frame his amendment in the form, that the final consideration of the Bill be postponed till the first meeting after the 16th of next month. The Hon'ble Members would then have ample opportunity for consulting any Local Government, or any Native community, as to their views and opinions on the Bill.

Major General the HON'BLE H. W. NORMAN entirely concurred with the Hon'ble Mr. Strachey that there ought to be no delay; but in deference to the opinions of other hon'ble members, he should not object to a short postponement for the purpose of affording to the public an opportunity of making itself further heard. He must strongly deprecate any reference to the Local Governments, which would, as the Council knew from experience, probably involve a delay for the best part of the year. The Bill was earnestly desired by those most interested in it and had been under consideration for a long period, and he (MAJOR GENERAL NORMAN) did not think that, by a further postponement, we were likely to receive any useful practical suggestions.

The Hon'ble SIR RICHARD TEMPLE, although very unwilling to add anything to this discussion, felt bound in one or two words to express his entire concurrence with all that had fallen from his hon'ble colleagues in the Executive Government. He thought this Bill involved a plain, clear principle from the beginning to the end, and he could hardly see a section which did not contain a principle. These were principles upon which every Member was bound to have an opinion of his own, which could not possibly be altered by anything that might now be said. After all that had been heard upon this Bill, he thought he might say that every one of the sections in it was of such a character that Members ought to be able to say "yes" or "no" regarding it. For his own part, he was prepared to say "yes" to every one of them, and that being the case, he was prepared to vote for the immediate passing of this Bill. He thought, however, that there could be no objection to a delay of one month; but after that, he did hope that the Bill would be passed as soon as possible. He might add that he did not think that the objections which had been urged by his hon'ble colleagues to the left were very just to the Legislative Department. That Department was not open in any way to the charge of precipitancy; nor was it open to the charge of not consulting Native opinion. The principle of this Bill had been under discussion, not for one month—that was an entire mis-description: it had been under discussion for four years; it had received the consent of the Native communities most concerned, and those, too, from every part of British India; and if the Council were not in a position to pass this Bill to-day, he did not see how they ever would be in such a position. If there was to be a delay for some indefinite period, it might be just as well to say that the Bill should never pass.

The Hon'ble MR. STEPHEN said that he still retained the opinion he had before expressed, but after what had fallen from the majority of the Council, he supposed there must be a postponement. At any rate, he most earnestly

hoped that this would be the last delay; for he felt it was very hard upon the Bráhmos that they should have to remain for a still further period in the uncertain and undefined state in which they were at present in regard to their marriage contracts.

The Hon'ble MR. INGLIS' motion to re-commit the Bill being put—

The Hon'ble MR. ELLIS moved, by way of amendment, that the debate on the Bill be adjourned.

The question being put,

The Council divided—

AYES.	NOES.
His Excellency the President.	Hon'ble Sir R. Temple.
Hon'ble Mr. Strachey.	Hon'ble Mr. Stephen.
Hon'ble Mr. Ellis.	Major General the Hon'ble H. W. Norman.
Hon'ble Mr. Inglis.	
Hon'ble Mr. Robinson.	
Hon'ble Mr. Chapman.	
Hon'ble Mr. Stewart.	
Hon'ble Mr. Bullen Smith.	
Hon'ble Mr. Cockerell.	

So the amendment was carried.

The Hon'ble MR. ELLIS then moved that the words "until the first meeting of the Council after the first March next" be added to the motion.

The Hon'ble SIR RICHARD TEMPLE, in voting against Mr. Ellis' amendment, said he did so merely on the ground that the one month's period which had been mentioned by His Excellency the President, and to which he (SIR RICHARD TEMPLE) had agreed, seemed amply sufficient. In the existing state of public business, further delay carried into March might cause inconvenience without any counterbalancing advantage.

The question being put,

The Council divided—

AYES.	No.
His Excellency the President.	Hon'ble Sir R. Temple.
Hon'ble Mr. Strachey.	
Hon'ble Mr. Stephen.	
Hon'ble Mr. Ellis.	
Major General the Hon'ble H. W. Norman.	
Hon'ble Mr. Inglis.	
Hon'ble Mr. Robinson.	
Hon'ble Mr. Chapman.	
Hon'ble Mr. Stewart.	
Hon'ble Mr. Bullen Smith.	
Hon'ble Mr. Cockerell.	

So the amendment was carried.

The Council adjourned *sine die*.

CALCUTTA;
The 16th January 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCIDENT THAT OCCURRED TO A TRAIN ON THE SINDH, PUNJAB AND DELHI RAILWAY ON THE 28th JULY 1871.

No. 3680 G, dated 31st October, 1871.

From—CAPTAIN L. CONWAY-GORDON, R. E., *Depy. Consg. Engr. to the Govt. of the Punjab, Railway Dept.*,

To—Secretary to the Government of India, P. W. Dept.

In reply to your letter No. 1592 R, dated 31st August 1871, relative to the Railway accident that occurred on the Beas on the morning of the 28th July 1871, I am directed to forward copies of the papers noted in the margin, and to observe as follows

Letter from Agent, No. 3434, dated 19th September, with enclosure.
Letter from Chief Engineer, No. 427, dated 20th September 1871
Note by Deputy Consulting Engineer, dated 27th September 1871.
Letter from Agent, No. 56, dated 29th September 1871, to Board.
Letter from Joint Secretary, No. 3681 G, dated 31st October 1871.

2. His Honor the Lieutenant Governor concurs to the full in the blame which the Agent affixes on Mr. Robinson, the District Engineer, and considers that his services should be dispensed with as speedily as possible, as the whole of his conduct in this case seems to have been characterised by indifference and carelessness in not himself seeing to the posting of the signalmen, and in not ascertaining that they had been posted, and knew what their duty was.

3 Mr Ross' share of the blame, His Honor thinks, is limited to having lost much valuable time in posting the trained signalmen after their arrival from Lahore at the Beas Station.

No. 427, dated 20th September, 1871.

From—J. HARRISON, Esq., *Chief Engineer,*

To—Agent, Sindh, Punjab and Delhi Railway Co.

I have the honor to acknowledge the receipt of your No 3347 of 6th September, giving cover to your decision on the accident which occurred at the Beas Bridge on the morning of the 28th July, and attributing it entirely to the neglect of Mr. Robinson, the District Engineer, and calling on me for any explanation that I might be able to adduce in his favor.

2. A careful perusal of the evidence, and correct evidence, shows that Mr. Robinson took the ordinary precautions both as regards signal and the stopping of the traffic. In support of this, the Traffic Manager states that, on his arrival between 6 and 7 in the evening, he ascertained from Mr. Robinson that signalmen had been posted, and that the Station Master on either side had been warned of the unsafe state of the line at the bridge. Mr McGarry, the Telegraph and Traffic Superintendent, went down the line at the Traffic Manager's request, and satisfied himself that the men were at their posts, and at 11 o'clock at night, Mr McGarry also states that one of the men came to him for instructions with a lamp brilliantly burning, and was told to go 300 yards down the line and remain there, showing the red light. He repeated the words after Mr. McGarry, showing that he perfectly understood the instructions, and Mr. McGarry gave him permission to leave the bridge and go to his post. Mr. Robinson states in his evidence that he gave distinctly a green light facing him from about 11 to half past 2.

The question has been raised as to the arrangements of the glasses in the lamp, and as to whether the glass opposite to the green was white or red, but there is nothing to prove that it was not red. Indeed, there is everything in favor of its having been a red light. One of the men sent out ran away after the accident, and I am not aware up to this time whether the Police have apprehended him.

3 I quite concur with Mr. Saunders, Assistant Traffic Manager, that at the trial, the Police do not appear to have brought forward the evidence which was forthcoming to prove that proper lights were exhibited. He states that seven independent and impartial witnesses were ready to state that they were sitting on the bank all the evening, and had seen red lights exhibited; and again, the gate-keeper at the level-crossing stated in his preliminary examination that, after the train had passed his hut, he noticed far ahead towards the bridge two red lights burning; not any of these men were called.

4. In the 14th paragraph of your Memorandum it is stated that the five Chowkeedars who were sent out with the lights were men employed merely for the protection of the bridge, to prevent persons and cattle from trespassing, and only quite recently entertained, and that they were ignorant of the duty required of them. This statement must be founded on a misapprehension of facts. The duty of these men as Chowkeedars was to signal all trains [illegible] the bridge both by day and by night, for which they were provided with the necessary [illegible] and lamps. All being right, they would exhibit a white flag or lamp, but in the event [illegible] danger, they would show a green or red flag, or light, as the case might require. These men had been daily engaged in this duty, one for upwards of 5½ months, and the other for some weeks. Previous to their being appointed as Chowkeedars to the bridge, one had been employed in a platelayer's gang, and as a pointsman in Contractor's employ, and the other had been a level-

crossing gate-keeper. They had, therefore, had considerable experience in the use of signal flags and lamps. The Traffic Manager had provided for the relief of these men by telegraphing for signalmen and extra lamps to be sent down from Lahore by the evening train. These men arrived by the train at about 1 A. M., but although two hours had elapsed between their arrival and the accident, their services had not been made use of. The District Engineer, knowing that these men were being provided by the Traffic Manager, saw no necessity for relief being provided by him.

5. Great stress is laid upon the fact of an unopened line being under the Engineering Department, and several rules are quoted from the standing regulations for Inspector's Foremen in support of this.

6. It must, therefore, be a natural inference that the Traffic Manager would not have started a train on this unopened section if he had not been satisfied that sufficient precautions had been taken.

7. With regard to paragraph 24 of the Memorandum, in which you acquit Mr. Ross of neglect throughout the occurrence, and conclude that his evidence on oath in the Chief Court was given under a misapprehension of the question put to him, and that he went even beyond his duty in satisfying himself that the District Engineer's precautions were sufficient and proper, I beg to refer you to Clauses 6 and 8, Section 2 of the same Rules, from which you quote in support of your view, that the responsibility was solely with the Engineer Department: these clauses are as follows:—

"6. The first and most important duty of all the Company's Officers and servants is to provide for the public safety, to prevent any obstructions on the main line which can be avoided, and remove it instantly should it occur; to take special care at all times that danger-signals, as hereafter denoted, are properly worked to protect trains standing on the line, and that signals are shown in sufficient time to warn all parties of the obstruction before any engine, carriage, wagon, truck, horse-box, or other vehicle, or other obstruction be placed on, or crossed over, the main line, and also during the time that an impediment (of any description) to the safe passage of trains may exist.

"7. The responsibility of any other servant of the Company than those specified in the last rule is no way lessened by it, and all persons whose duty calls them to assist, or who are present on any such occasion as those specified above, will be held individually responsible for the protection of the engine or train from interruption or danger, and for keeping the line clear and the signal properly shown."

8. These clauses prove that any Officer of the Company present on such an occasion shares the responsibility, and the correctness of his statement in the Court., *viz.*, that, when present at the spot (of an accident or break on the line), he exercises a general superintendence.

9. It is to be regretted that the level-crossing gate had not been shut across the line, but it must be borne in mind that a lamp was on the gate showing a white light up and down the line, and a red light across the line down the road, and it is difficult to understand how, with a careful look-out, the men on the engine could have missed seeing these, and I cannot but think that the precautions taken would have prevented the accident, had the driver, after all the warnings he had had, used a proper amount of vigilance and discretion, as there is no doubt he was running at a greater speed than was warranted by the circumstances, more especially as himself with his Eurasian and Native firemen were strangers to the road.

10. I myself was travelling the whole of that night, and although there was no moonlight, it was bright and clear, and there should have been no difficulty on the part of the driver, if keeping a sharp look-out, of seeing the towers of the bridge abutment at a considerable distance. In fact, the correspondence goes to show that, in addition to the two men sent out by District Engineer, there were red lights exhibited at the side of the gap when the engine was first observed approaching at a sufficient distance for the train to have been pulled up, had there been a sufficient look-out. Mr. Ross in his evidence states that the train was about 500 yards off "when I first noticed it coming up; when I first saw the train, I believe it was a mile off, and then the red lamps were shown." Mr. Robinson also stated that, as near as he could judge, the train was 150 to 200 yards off, a distance in which the train could have been brought to a stand.

11. I beg to point out that neither Mr. Saunders, Assistant Traffic Manager, nor Mr. McGarry, Traffic and Telegraph Superintendent, who were both present at the scene of the accident, and had been engaged the whole evening between the break and the Beas Station, inspecting signal arrangements, and directing the movements of the train, were brought forward to give evidence at the trial. Judging from their letters to you, their evidence would have been most important, and could scarcely have failed to establish the fact, that sufficient precautions had been taken, and that the signalmen sent out were at their posts. There were other Europeans present at the accident besides those who should have been examined, as also the seven Natives who saw the light burning the whole evening, and the level-crossing gate-keeper who saw the two red lights between the break and the level-crossing a few minutes before the accident.

12. I am unable to concur with you in the conclusion you draw from your examination of the evidence produced before the Chief Court, the subsequent correspondence and the general circumstances of the case, and as your decision in the matter is such a serious one for Mr. Robinson, I trust that, in forwarding your Memorandum to the Board, it will be accompanied by this letter, by the proceedings of the Chief Court in the case of the Engine-driver Duncan, and by the correspondence which has taken place between you and the different Departments on the subject. I also trust that the Board, having the whole of the details of the matter before them, will duly weigh and consider them before carrying out or confirming your recommendation for the dismissal of Mr. Robinson from the Company's service. Mr. Robinson has been nearly 14 years in the service, and has had no charge of neglect or incapacity or shortcoming of any kind brought against him until now. The Judge of the Chief Court remarks in his summing up upon the tendency "to be wise after the event" in a case of this kind, and I quite think that the importance and sufficiency of the precautions which were taken are somewhat thrown in the shade by the prominence which is given to certain other precautions which might have been taken.

I return the original documents received.

Note by CAPTAIN L. CONWAY-GORDON, R. E., *Deputy Consulting Engineer, Railway Department, on the Railway accident at the Beas on 28th July* 1871.

In the forenoon of the 27th July, the subsidence of the embankment immediately behind the east abutment of the Beas Bridge rendered this point of the line impassable to traffic.

From Robinson, to Ross.

East defence wall of Beas Bridge gone; embankment will probably be breached during the night I have stopped the traffic; arrange accordingly. Send down special train of low-sided wagons as many as can be had. Reply sharp. Let me know how many you can send.

From Robinson, to Station Master, Phillour.

Traffic stopped across Beas Bridge; arrange for traffic accordingly.

From Robinson, to Bocquet.

Traffic stopped across Beas Bridge. Send down a special train of low-sided wagons without delay. East defence wall nearly all gone, and embankment will probably be breached during the night.

2. This was reported to the Traffic Manager at Lahore by Mr. Robinson, the District Engineer, at about 2 P. M. (*vide* telegram on margin). The District Engineer also despatched, amongst others, two other telegrams, one to the Station Master at Phillour, and another to Mr. Bocquet, the Locomotive Superintendent (*vide* margin).

3. On receipt of the telegram from the District Engineer, Mr. Ross enquired from him by wire whether the mails and passengers could be transferred across the break on trollies, and was answered in the affirmative. Mr. Ross, accompanied by Mr. Saunders, the Assistant Traffic Manager, Mr. McGarry, the Telegraph Superintendent, and Mr. Browning, Assistant to the Chief Engineer, then started for the Beas by special train, and arrived there about 6-30 P. M.

From Ross, to Robinson.

Can mails and passengers be transferred by trollies, or should we not allow the 9-30 passenger-train to leave to-night. Reply sharp.

From Robinson, to Ross.

We have three trollies here, and a fourth can be procured from Umritsur. Train can run to middle of bridge; the break will only be about one-quarter of a mile.

4. The Traffic officials and Mr. Browning proceeded direct to the break, where they found Mr. Robinson and Mr. Dallas, from whom Mr. Ross ascertained that two signalmen had been properly posted out on each side to protect approaching trains. This enquiry, though some doubt was thrown upon the fact during the trial in the Chief Court, is distinctly admitted in Mr. Robinson's letter of the 28th August.

5. Mr. Ross stopped this side of the break, but finding Mr. McGarry, the Telegraph Superintendent, was going over to the other side to look after the telegraph wires, he asked Mr. McGarry to see if signalmen really were posted on the down-side. It does not appear that Mr. McGarry himself went further than the break, but standing on the line at this point, he saw one man about 500 yards down showing a red flag, it being then daylight. The other signalman he found at the bridge itself.

6. The whole party then left the bridge. On returning to the station, Mr. Ross despatched various telegrams, stopping the transit of passengers beyond the Beas Station on the one side, and Kutarpoor on the other, and ordering four signalmen down from Lahore by the 9-30 P. M. train.

7. About 9 P. M., Mr. Robinson and Mr. Dallas went again to the break, and finding the embankment washed away nearly to the second telegraph post; Mr. Robinson came back to the station at about 11 P. M. to warn Mr. McGarry that his telegraph wires were again in danger. Mr. McGarry went back with Mr. Robinson, secured the wires, and on leaving about 0-45 A. M. was accosted by the signalman at the break, who asked what he was to do. Mr. McGarry ordered him to go out about 300 yards and to show a red light, and the man apparently moved off McGarry and Dallas then came away, leaving Mr. Robinson there. Dallas, however, re-joined Mr. Robinson shortly after.

8. On the arrival of the down-train from Lahore at 1-3 A. M., some shunting had to be done. When complete, Messrs. Ross and Saunders went on in the train to the bridge, taking

the four Traffic Signallers with them. They found Mr. Robinson and Mr. Dallas on a trolly about five spans from the east abutment, and the former accompanied them on to the break.

9. In the meantime, No. 6 up-train had been despatched from Kirtarpoor with the mails at about 2-30 A. M. Before leaving, the Engine-driver, Duncan, who started under a caution line-clear report, received special instructions to proceed with great care, and stop well short of the break.

10. Mr. Ross and his party had hardly got to the break when they saw this train approaching. Red lights were at once shown, but too late. The train, consisting of engine with the tender running first, fuel truck, one 3rd class carriage, one reserve carriage, and a brake-van, ran into the hole at the rate of about 12 miles an hour. Fortunately no lives were lost, the only person injured was the Engine-driver, who had a rib broken, but as none of the rolling-stock is expected to be recovered, it may be estimated that the Company has sustained a loss of over Rs. 50,000.

11. It now only remains to consider whether all proper and ordinary precautions against accident were taken by the Railway officials concerned.

12. The Driver Duncan, on starting from Kirtarpoor, received a caution line-clear, under which he was bound not to exceed a speed of 6 miles an hour; he was running his engine tender first, which is contrary to the Rules and Regulations, except in cases of unavoidable necessity, in which case the speed must not exceed 12 miles an hour; he was aware of the break in the line, and was warned at Kirtarpoor by Mr. Tavenor, the Assistant Traffic Manager, to take extraordinary care in running; he knew that not only he himself, but every person on the engine (though he stated the contrary to Mr. Tavenor) was unacquainted with that part of the line. Under every circumstance which should have rendered him doubly cautious, he started from the station at the ordinary speed of 20 to 25 miles an hour; when his watch should have told him he was near the break, he still kept running at the rate of 10 or 12 miles an hour.

13. Although the gates at the level-crossing were open to the rail, and the gate lamp thus showed white up and down the line, the Driver, with an ordinary look-out, must have seen the red light facing him as he passed, and thus have become aware of his proximity to the bridge.

14. Knowing the road fairly myself, with a night such as described by the witnesses, the sheen on the water in the river would have been visible from the raised embankment half a mile, or a mile off, and the towers at the end of the bridge would have been seen looming out against the clear sky from a long distance.

15. It is much to be feared that less even than ordinary caution was exercised by the Driver on the occasion, probably owing to the engine having been run tender first, for in such circumstances it being exceedingly inconvenient to maintain a good look-out from the Driver's place, the temptation becomes strong to delegate the duty to a Native fireman seated in the fore-part of the tender. In fact, Mr. Saunders, in his Report of the 21st August, expressly states that this was done.

16. Signals or no signals on the spot to warn the train exactly when to stop, had the extra caution been exercised by the Driver Duncan, which, under the circumstances, might fairly have been expected from him, the accident would not have occurred.

17. Though acquitted by the Jury (who naturally would rather view the issue as to whether Duncan was the principal person to blame, rather than whether he was to blame at all), there can be no doubt that Duncan committed a gross breach of the Company's Rules and Regulations, for which he should be punished departmentally.

18. For the due protection by lamp or flag of any dangerous portion of the line outside the distant signal-posts, the Engineering Department is responsible. No Railway official will, I think, dispute this. Clause 33 of Section XVIII of the Rules and Regulations common to all the guaranteed lines, is sufficient to establish the point without reference to Circular No. 115 of 1870, which, on this Railway, was issued by the Chief Engineer and Traffic Manager in concert to prevent any possible misunderstanding on the subject This Circular concludes as follows:—

"*In the event of any accident or obstruction occurring on the line* * * * * * *the Engineering Department will at once take steps to erect and provide the necessary signals, and the Traffic Department will, with as little delay as possible, send to the spot competent signalmen or pointsmen to work the same, also a European to control, if necessary.*"

That is, while recognising the exclusive responsibility of the Engineering Department for the due provision of signals, it assumed that part of the Traffic establishments on either side of the break would be thrown out of work exactly at the time all the Engineering hands were most pressed, and that, therefore, the working of the signals after their erection by the Engineering Department, might be economically performed by the Traffic Department.

19. Reviewing the conduct of Mr. Robinson, the District Engineer, on this occasion as the Officer responsible for the due protection of this dangerous portion of the line, it appears that he confined his exertions in this direction to telling his Assistant, Mr. Dallas, to send two men out with signals. Mr. Dallas again deputed the duty to the Platelayer, Mr. Powell.

20. It does not appear from the evidence that any European went with the Native signalmen to show them exactly where to stand, or that even it was thoroughly explained to them what they were to do. They were simply told to go out so many bullies (*i. e.*, telegraph posts) and show danger-signals. One man, Ram Pershad, never seems to have got far from the break He was found there by Mr. McGarry at midnight, wholly ignorant of his duties; what became of him afterwards nobody knows. The other went out taking his charpoy and his hookah with him, and as he says himself, "*I was never directed to perform a similar duty before.*" The men were posted at midday; at 3 A. M. the following morning they were not relieved. Their lamps were lit at dusk, but it does not appear that they had even a supply of oil. No European went near them from midnight to the time of the accident.

21. Under these circumstances, it would not be a matter of surprise that, on the arrival of the train, no lights were visible. The evidence of Shannon, the Guard, Oram, the Telegraph Inspector, Burrows, the Fireman, and Illai Khan, the Native Stoker, agree on this point, no lights were visible till close on the break when "*they turned up all of a sudden*" and were evidently the lights carried by Mr. Ross' party. The evidence, on the other hand, alluded to by Mr. Harrison in paragraph 11 of his letter of the 20th, was gone into carefully by the Assistant Inspector General of Railway Police, and found so utterly unreliable, that he was unable to produce it in Court to strengthen his own case.

22. I think it must be considered as nearly certain that one Chowkeedar remained at the break wholly ignorant of his duties, and that the other, placing his lamp on the rails where it gradually burnt low, went to sleep, and that no proper lights were shown to the advancing train.

23. The simplest and most obvious precautions would appear to have been omitted by the District Engineer. No temporary signal-post was erected, although there was ample time during the afternoon of the 27th; no intimation of the danger was sent to the gate-keeper at the level-crossing with instructions to keep his gate closed against the railway, and suffer no train to pass; a red light placed on each of the towers of the bridge would have been visible along the line for miles.

24. Even when the train was expected, though Mr. Robinson was actually on the bridge, he appears neither to have taken the trouble of going across the gap himself, nor to have sent his Assistant, Mr. Dallas, to see if the signalmen were at the post; and this in a case where his own estimate of the intimate aquaintance with their duty of the Natives he had sent out, as given in evidence, was as follows:—"*One man seemed to understand his duty, the other I am rather doubtful about.*"

25. The plea advanced by Mr. Harrison in Mr. Robinson's favor in his paragraph 6, *viz.*, that the Traffic Manager should not have brought the train on to the closed section without satisfying himself that sufficient precautions had been taken, will hardly assist Mr. Robinson's case much. The same argument is advanced by Mr. Robinson himself in his letter of 28th August, in which he says "*as the traffic had been stopped by the undersigned, he was of opinion no accident could possibly occur.*" Had this been the case, had Mr. Robinson closed the line between the Beas and Kirtarpoor Stations, and the train been brought on to the section without his knowledge, the Traffic Manager would doubtless have been very much to blame.

26. But as a matter of fact, Mr. Robinson's own telegrams to Mr. Bocquet and the Phillour Station Master show that it was the bridge, and not the section, he considered closed; not only does his telegram to Mr. Ross say distinctly that the break would not be quarter mile long, in other words, that he expected the trains to run up to either end of the bridge and shift the mails, but this course had actually been pursued in the case of the last down-train; he himself ordered out ballast trains to run over the section; he himself knew this particular train was expected.

27. Reviewing the whole of Mr. Robinson's conduct on the occasion, I can come to no other conclusion than that it was characterised by a careless disregard of duty which was eminently calculated to produce the accident which ultimately occurred.

28. I am sorry I cannot agree with the Agent in acquitting Mr. Ross, the Traffic Manager, entirely of blame. Impressed equally with the Agent with the evils of divided responsibility, I agree with him in considering that Mr. Ross was correct in restricting his intervention to satisfying himself that the District Engineer had generally taken the usual precautions. But when he knew that a train was expected with the mails, which there would be some difficulty in getting over the break, I consider that he should either have gone himself, or deputed one of his Assistants to have been on the spot, waiting to receive and stop the train in the most convenient spot, to have made every arrangement to facilitate the passage of the mails, and to see to matters in general. Had this been done, the Officer so deputed could not have failed to detect the insufficiency of the signal shown.

29. Generally as regards the whole of the officials present, after a perusal of Clauses 6 and 8 of Section II of the Rules and Regulations, it is perhaps a matter for astonishment as much as anything else, that not one of them ever considered it worth while to go across the break and look personally to the signals before the arrival of the train.

30. The same want of energy appears to have characterised the action on the part of the Engineering Department after as well as before the accident. The engine and carriages fell in at 3 A. M. At 7 A. M., Mr. Harrison arrived at the spot with an engine; at that time the engine upside down was still partly above water, and did not wholly disappear for hours afterwards. The carriages were above water, the brake-van had two of its wheels actually still on the rails above.

31. Even if impracticable to prevent the carriages sinking further, many of the working parts of the engine might have been removed previous to Mr. Harrison's arrival. After an engine was on the spot to supply any required amount of haulage power, it is to me a matter of surprise why the brake-van was not pulled back on to the line, a rough pair of shears constructed, and nearly every thing hauled piece-meal out of the hole during this and the succeeding day.

32. In conclusion, I observe that such a concatenation of cases of either forgetfulness or neglect of the Company's Rules and Regulations on the part of all concerned as combined to produce this accident, could hardly have been possible on a well-managed line. It is, I believe, due to the laxity of discipline which is the direct result of the affairs of the Company having been administered for the last six years by Agencies wholly without previous Railway experience of any sort; Agencies, too dependent on the reports and opinions of their subordinates to be able to give an authoritative decision that carries weight, and too ignorant of the details of Railway working to be able to effectually control the Executive Heads of Departments in the performance of their duties.

No. 56, dated its insufficient judgment of the servants whatever danger-signal fail ember, 1871.

From—The Agent, Sindh, Punjab and Delhi Railway,

To—Chairman, Board of Directors, Punjab and Delhi Ry., London.

In forwarding my decision on the case at Harrison at the Beas, I thought it desirable that the Board should have before it the expression of opinion of Mr. Harrison, the Chief Engineer. I consequently, in furnishing him with a copy of my decision, invited him to represent any extenuating circumstances that might occur to him in favor of one Officer of his Department. His letter No. 427 of 20th instant is attached to my decision, together with the notes of the Judge in summing up the case, and Mr. Robinson's and Mr. Ross' explanations.

Mr. Harrison's defence of Mr. Robinson in no manner changes the opinion I have arrived at, formed upon the evidence taken before the Court, and explanations given by both Officers. I cannot agree with Mr. Harrison in thinking that Mr. Robinson took the most ordinary precautions, and I think it unreasonable to endeavor to shift any of the blame on the Traffic Department. It is quite clear that Mr. Robinson neglected the two most obvious and most necessary precautions, *viz.*, the erection of a fixed signal, and the closing of the gate; if either of which had been done, the accident could not probably have happened, and both should have been done; this duty belonged solely and expressly to the Engineering Department, and Mr. Ross cannot possibly be accused of sharing in the neglect; indeed, it is shown that the Traffic Department had not been informed that the gate was left open, and this neglect led to that Department warning the Driver to expect it to be closed against him. Mr. Harrison remarks upon the insufficient evidence taken as to lights being burning. In forming my decision, Mr. Saunders' expressions on the subject did not escape my notice, but it appeared to me that the two facts above-noted being proved, that no amount of evidence would have convinced the Court, as it certainly would not have convinced me, that the signals were so effectually disposed as to have been seen by the Driver and the persons in the train whose lives depended upon seeing them.

Mr. Harrison endeavors to show that the Chowkeedars sent out were not inexperienced; this may be, but it is quite evident that no Officer was sent to post them, and Mr. McCarry found one of them who had not understood the instructions given him and not knowing where to go to.

The explanation given why no relief was provided for these men is not to my mind satisfactory.

Mr. Ross had certainly sent to Lahore for signalmen who could not arrive till 1 o'clock in the morning, so that the Chowkeedar signalmen were expected to keep watch without relief for more hours than nature could well bear. Supposing they could have been posted the moment they arrived, they would have had to keep watch 7 hours. I cannot but think it neglect in not providing a relief, as it was in not sending some European to post them.

In none of these neglects can Mr. Ross be charged with sharing, and until the signalmen were duly relieved, the responsibility of maintaining efficient signals rested entirely with the Engineering Department.

The rules quoted by Mr. Harrison in support of divided responsibility do not apply to the circumstances of this case. Mr. Ross was certainly on the spot. Circular No. 115 had clearly defined the line of duty between the two Departments. Mr. Robinson, an Officer of 14 years' service, had informed him that his part of the duty had been performed, and Mr Ross was preparing to perform his part. He cannot possibly be held responsible for neglect to erect a signal or to close the gate which was supposed by the Traffic Department to be closed.

In a case of this sort it is necessary to look to primary causes, and not to allow the case to be entangled with extraneous matter, and the question is reduced to this, *viz.*, had a fixed signal been erected; had efficient signalmen been provided with proper relief, the accident could not have occurred. Again, had the gate been closed, there would have been a double security, or had the Traffic Department been informed that it was kept open, the instructions to the Driver to find it closed against him, and which evidently misled him, would not have been given. All these omissions rest solely on the responsibility of the Engineering Department, and the Traffic Manager cannot possibly be held in any way responsible for the neglect.

Such is my conviction, but the Chief Engineer's opinion, to which it is opposed, is worthy of the careful consideration of the Board in forming its decision in such a serious case, and I am glad that the Board should have before them every thing that can be said on either side where the reputation of two Officers of standing is at stake.

Mr. Harrison's concluding paragraph is certainly entitled to careful consideration. In being wise after the event, have we allowed the precautions which might have been taken to cast in the shade those that were taken.

Mr. Harrison and I differ in opinion. I have shown that, in my opinion, not even ordinary precautions were taken. Mr. Harrison thinks they were. The action taken is clearly described, and it will rest with the Board to determine which opinion to adopt. I shall be only too glad to think myself mistaken if the Board thinks differently from me.

No. 3681 G, dated October, 1871.

From—Consulting Engineer for Railways in Punjab,
To—Agent, Sindh, Punjab and Delhi Railway Co.

In forwarding a copy of a letter No. , dated , to the Secretary to the Government of India, in the Public Works Department, from which you will observe that His Honor the Lieutenant Governor fully concurs with you as to the degree of culpability that attaches itself to Mr. Robinson, the District Engineer, from his conduct on the occasion of the late Railway accident at the Beas Bridge, I am directed to enquire why the Agent, holding such views, did not at once take steps to terminate Mr. Robinson's agreement with the Company.

2. If the Agent has not the power of terminating the engagement of any of the Company's employés under covenant, His Honor thinks this should be represented to Government with a view to such power being placed in the Agent's hands.

No. 3347, dated 6th September, 1871.

Memorandum by MAJOR GENERAL S. A. ABBOTT, *Agent, S., P. and D. Railway Co., on the accident on the Beas River on the 28th July* 1871.

Before reviewing the case and passing orders upon it, I had hoped to have been in possession of a copy of the proceedings of the Chief Court, for which application has been made, but which, in consequence of the closing of the Court immediately after the trial, has not yet been obtained.

2. I have been given to understand that the Judge commented on the neglect of others than the Engineering Department, but if the published report of the evidence taken at the trial of Driver Duncan, which appeared in the *Indian Public Opinion*, can be depended upon, which I believe it may, no doubt for a moment can be felt that the entire blame rests with the District Engineer, Mr. Robinson.

3. With my No. 2974 of 3rd August, I forwarded, for the information of Government, copy of a Report, dated the 28th July, from the Traffic Manager, by which it appeared that the blame rested with the Driver, but that there should be no doubt on the subject, I directed a Police enquiry to be made.

4. The case was got up by the Assistant Inspector General of Police, and Driver Duncan was tried and acquitted.

5. I deemed it desirable to call on the Traffic and Engineering Departments, respectively, for any explanation they might have to offer; these reached me only yesterday, and copies are annexed.

Mr. Ross, Traffic Manager, No. 1071, dated 21st August 1871.
Mr Robinson, District Engineer, No. 2, dated 28th August 1871.

6. The history of the accident I will endeavor as briefly as possible to narrate, basing it upon the published evidence and on the reports mentioned in the preceding paragraph, making use also of the Police report.

7. On the 27th July, shortly before 10 A. M., a report reached Mr. Robinson, District Engineer, of the subsidence of the earth behind the retaining-wall of the east abutment. He cautioned the up-mail due at 11-56 A. M., which proceeded slowly over the bridge. The injuries extending, the down-mail due at 1-25 P. M. was prevented crossing the bridge, and he telegraphed to Traffic Manager to stop the traffic.

8. The Traffic Manager arrived at 6 P. M. by special train from Lahore, and was informed by Mr. Robinson that men had been sent out at dusk towards Kurtarpoor with danger-signals: one to remain between the level-crossing gate at 29th mile and the bridge, the other to remain a short distance from the break. About 11 P. M. the earth was scoured away from under the rails, and Mr. Robinson informed Mr. Ross of the fact. At about ¼ to 3 A. M. of the 28th, all proceeded to the break, and had scarcely arrived when they saw a train approaching; danger-signals were shown by the party at the break when the train was within 150 or 200 yards, but these the driver appears not to have seen in time to stop the train, which ran tender foremost into the gap (which did not then extend quite through the embankment); two carriages followed the engine, while the brake-van remained for some time suspended on the edge of the gap, but eventually followed the other vehicles. Neither engine nor carriages are ever likely to be recovered, and the loss the Company has sustained in these vehicles amounts to Rs. 52,850-2-3.

Vide Mr. Robinson's letter No. 2, dated 28th August.

9. Most providentially no lives were lost; this is attributable to the precautions taken by the Traffic Manager, who directed all passengers to be left at Kurtarpoor, and the mails only to be sent on by engine with caution.

10. Mr. Robinson, in his evidence before the Court, endeavours to throw the blame of defective signals on the Traffic Manager, representing that that Officer had power to interfere if he thought his arrangements insufficient. This evidence was calculated to mislead the Judge and Jury in forming a judgment in the case, and, Mr. Robinson should have known, was quite contrary to the rules of the service. The Traffic Manager on the occasion of a break on the line has no authority whatever over the Engineering Department; on the contrary, the responsibility of exhibiting danger-signals rests entirely with the Engineering Department, and I will show how Mr. Robinson failed in his duty.

11. In all Railways a defective or broken line is well known to be under the Engineering Department, and the Traffic Department can only exercise authority upon an open-line. But independently of this recognized fact, Section XVIII of Standing Regulations for Inspectors, Foremen, &c., clearly lays down rules for the guidance of Engineers under such circumstances. Clause 2 provides for the Inspector being supplied with signal-lamps. Clause 8, that the Inspectors obey all the orders of the Engineer. Clause 13, that he be provided with detonating signals. Clause 18, that in event of repairs going on, men must be stationed half a mile both up and down the line from point of interruption, and must show a red or green signal as the case may require; they must keep a sharp look-out, and must remain at their posts until the line is again clear and safe. Clause 33 provides that, in event of flood, the Foreman shall examine carefully culverts and bridges, and should he apprehend danger, exhibit proper signals to stop trains, if necessary, until the Inspector arrives. Section V, again, provides for the employment of detonating signals in addition to the regular day and night signals in case of *fog*, obstructions, or obstacles.

Lastly, Circular 115 of 1870, signed both by the Officiating Chief Engineer and Traffic Manager, provides in case of accident or break in the line, that the Engineering Department will at once take steps to erect and provide the necessary signals, and the Traffic Department will, with as little delay as possible, send to the spot competent signalmen or pointsmen to work the same, also a European to control, if necessary.

12. From the foregoing rules there can be no mistake as to the responsibility of the Engineering Department in providing signals and signalmen, until the Traffic Department relieves them in due course.

Turning to the evidence we shall see how this duty was performed.

The District Engineer despatched two Chowkeedars, men employed merely for the protection of the bridge, to prevent persons or cattle from trespassing, and only quite recently entertained. These two men, ignorant of the duty required of them, were sent out at 7 P. M. with no Officers to post them, and told to show danger-signals, and were expected to keep a vigilant look-out with lamps trimmed and burning till morning. No relief was provided, nor does it appear that a supply of oil was given with the lamps. However this may be, the action taken was so palpably ineffectual as to be alone sufficient to account for the accident.

13. Here was a dangerous break, not likely to be repaired for some time, no danger-signals were erected, although from shortly after 11-56 A. M. on 27th when the up-train passed, the Engineer found the danger so great as to induce him to stop the 1-45 down-train from crossing the bridge.

There was ample time to have erected danger-signals and to have provided an efficient establishment of signalmen from platelayers' gangs, who were acquainted with signalling duty.

Further than this, the level-crossing at the Trunk Road, about one mile from the river, was under charge of the Engineering Department. The gates at this crossing had until quite recently (10 days only before the occurrence) closed across the Railway, but from frequent accidents happening, it had been determined to shut them to the Trunk Road at night, and open to the Railway. Intimation of this change had not been communicated to the Traffic Department by the Engineer, and the consequence was that at Kurtarpoor instructions were given to the driver to expect the gate to be shut against him. This circumstance alone was sufficient to have misled the driver.

Vide evidence of Shannon, the Guard.

14. The District Engineer here failed in his duty: *first*, in not acquainting the Traffic Department of the change that had been made; *secondly*, in not availing himself of this gate to close it to the Railway as the most effectual signal he could have given to bring-to the train, and caution it of the danger so immediately a-head.

15. In regard to the non-application of detonating signals, the use of them is required when there may be "*fog, obstructions, or obstacles,*" by which is generally understood obstructions to vision. In this instance it was a clear night, there were no curves or other obstruction to vision, and had the ordinary signals been applied, there would not have been occasion for them. No doubt the application of them might have occurred to the Engineer, seeing that no fixed signals had been erected and the signallers employed were ignorant of the duty required of them.

16. Thus, up to the time of this unfortunate accident, it is clearly seen that the entire responsibility rested with the District Engineer, and not with the Traffic Manager; and under the circumstances of extraordinary neglect in observing the most ordinary precautions, it is not surprising that the Jury returned a verdict of acquittal on driver Duncan, the justice of which cannot for a moment be doubted.

17. Whether the tender being foremost was neglect of the driver, or a necessity under peculiar circumstances, it should not have prevented the driver from the engine seeing the red lights ahead *had they existed.*

That the driver was new to the line is not a circumstance that could have affected the question, except in making him more cautious, for drivers are guided by signals, not locality.

18. Although, according to Departmental rules, the driver may not be considered to have acted with due precaution in running at the rate of 10 and 12 miles an hour, it is quite clear that he has been most justly acquitted on the grounds of the very inadequate measures taken by those who were responsible for establishing proper signals for his guidance, and regarding which there could be no doubt or mistake.

This neglect has been shown to have rested entirely with the District Engineer, Mr. Robinson, and it is a painful duty I owe to the Company to bring his conduct under the consideration of the Board, with view to very serious notice being taken of it.

19. At a time when we have dispensed with the services of so many Engineers without fault, I cannot but in justice recommend that the services of Mr. Robinson be dispensed with, and some Engineer whose engagement has been terminated be appointed, or other arrangement made to supply the vacancy.

20. I entirely acquit Mr. Ross, the Traffic Manager, of neglect throughout this unfortunate occurence. His own evidence as quoted before the Court was calculated to give the Judge an erroneous impression of his responsibilities. He is reported to have said "on such occasions I exercise a general control," but he probably misunderstood the question, for it is quite clear and evident that he has no control whatever over the Engineering Department. It is well understood that on an open-line the control belongs to the Traffic Manager, and Engineers are bound to attend to his requisitions, but with a closed line the entire control rests with the Engineers, and the Traffic Manager attends to their requisitions. Mr. Ross even went beyond his duty in sending his Telegraph Superintendent to see that the signals the Engineer had sent out were burning, which they were reported to be about 12 midnight; on such occasions there is, and must be, undivided responsibility. The rules are clear and distinct, and it cannot be permitted that one Department shift its responsibility to another, or the utmost confusion would prevail.

No. 2589R, dated the 18th December 1871.

From—COLONEL C. H. DICKENS, R.A., Secretary to the Govt. of India, P. W. DEPT.,

To—The Consulting Engineer, to the Govt. of India, for Guaranteed Railways, Lahore.

I am directed to acknowledge the receipt of your letters Nos. 3680G and 3839G, dated the 31st October and 6th November 1871, relative to the accident to a train at the gap in the approach to the Beas Bridge on the 28th July 1871.

2. The circumstances of the accident are clearly narrated in Captain Conway Gordon's report, and as this substantially agrees with the statements of the officers concerned with the accident, it is unnecessary to recapitulate them. It has been shown that a train was hauled by an engine, driven tender foremost, at a speed which is not allowed by the regulations, towards a place where there was known to be a break in the railway: that, apparently in the total or partial absence of proper signals, but nevertheless in a clear night, the train was driven into the gap at the rate of about 12 miles an hour: that at this gap the Traffic Manager and the District Engineer had been for hours, but that neither officer had considered it his duty personally to see that proper signals were shown, nor had it been considered necessary to send any responsible person to post the signalmen; and lastly, that when the accident had occurred, no real attempts were made to save any portion of the rolling-stock which had been precipitated into the break, and which was consequently totally lost.

3. I am desired to state that, in the opinion of the Governor General in Council, this accident reflects the greatest discredit on every person concerned in it, and that it presents a picture of lax discipline, mismanagement, and carelessness of life and property, of which it is necessary that the most serious notice should be taken.

4. The engine-driver was acquitted when tried in a Criminal Court, but it is shown that, though warned to drive slowly, and cautioned as to the danger that existed, and though he was ignorant of this portion of the railway, and was, therefore, required to be doubly vigilant, he nevertheless drove at an excessive speed, and it seems impossible from the account of the accident that he can have kept a proper look-out. The lives of railway passengers depend upon the proper fulfilment of their duties by the engine-drivers, and considering the want of caution, and disobedience of orders displayed by the driver of the train in question, the Governor General in Council considers that he should be dismissed from the Company's service, and that other Railway Companies should be warned against entertaining him as a driver.

5. The District Engineer, Mr. Robinson, did to some extent attempt to do his duty by sending out danger-signals from the break. But he neither personally, nor by means of his Assistant, saw that the men took up proper positions, nor did he take steps for their relief, or for a supply of oil for their lamps, and no immediate measures for the erection of danger-signals were initiated.

6. In summing up the case, the Agent came to the conclusion that Mr. Robinson should be dismissed from the Company's service, but instead of acting in accordance with his judgment, as he had the power to do, he invited the Chief Engineer to represent any extenuating circumstances that might occur to him. Mr. Harrison in reply endeavoured to show that other persons were to blame for the accident, including the driver and the Traffic Manager, but as the Agent subsequently pointed out, he failed to show that the District Engineer took the most ordinary precautions for the safety of the traffic. The Agent, however, considered it right to refer the matter to the Board of Directors for decision with an expression of his own and the Chief Engineer's opinion.

7. The facts adduced sufficiently indicate that the District Engineer is totally unfitted to be entrusted with the charge of works on an open line of rail-

way, and it is presumed General Abbott has suspended him, but that if not, it appears to the Government of India that he should do so pending the receipt of orders from his Board.

8. The Governor General in Council regrets that the Chief Engineer should have endeavoured to support his subordinate, the District Engineer, when that Officer's carelessness had produced such disastrous results, and when he had failed to take active steps to secure the Company's property.

9. The conduct of the Traffic Manager was but little less reprehensible than that of the District Engineer. Although by the rules the Engineering Department is responsible for the erection of signals, it is the duty of the Traffic Department to assume charge of the working of the signals as soon as it can possibly do so. In this case the Traffic Manager of the line was on the spot, but he never crossed over the break to inspect the arrangements made for stopping the expected train, nor did he take any measures for its protection beyond asking Mr. McGarry, the Telegraph Superintendent, to see whether the signalmen were on the alert. His negligence in this matter, combined with the subsequent great delay in making arrangements for the conveyance of passengers over the break, calls for severe censure, and will be brought to the special notice of the Secretary of State.

10. It is with much concern that the Governor General in Council is constrained to make these remarks, but the matter is one of the greatest public importance On the proper administration and working of railway traffic many lives daily depend, and so far as in him lies, the Governor General in Council is determined to insist upon every precaution being taken for the proper and safe conduct of this traffic. In the opinion of the Government of India, the circumstances of this accident afford an additional proof of the want of discipline, prudence, energy, and care that seem to characterize the management of the Punjab and Delhi Railways, and indicate the imperative necessity for a thorough and vigorous reform.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

SANITARY REPORT ON TURKISH ARABIA.

Dated Residency Baghdad, the 2nd October 1871.

From—SURGEON W. H. COLVILL, Civil Surgeon, Baghdad, Turkish Arabia.

To—The Political Agent, Turkish Arabia.

MY intention in this letter was to attempt a general sanitary report of Turkish Arabia, but I have found the difficulties greater than I imagined; for I have had to search for nearly all the history of the past in the records of the Busreh Factory and this Residency, and there are neither registers, statistics, nor census, from which alone conclusions can be drawn with the accuracy desirable. The result is the collection of fragments I now submit in default of a connected report.

The province of Turkish Arabia is composed entirely of alluvium deposited by the great rivers Tigris and Euphrates and their tributaries in the space between the mountain limestone ranges of Persia on the north and the desert of Arabia on the south. With the exception of some marshes, a few recent canals, and the rivers with a little vegetation fringing their banks, the whole of this space, over eighty thousand square miles, is a bare plain traced with the remains of a network of canals, and mounds, the remains of towns and villages. The soil is saline, in places so much so that six years ago, when the duty on salt was greatly increased, the authorities could not understand the diminished con-

sumption till it was discovered that the Arabs simply washed some earth in the water they baked with, and found that sufficient to flavour their bread. Wells, dug a few feet from the rivers, generally remain brackish for ever. Saltpetre is found abundantly amongst the mounds. In order to give some idea of the temperature and climate generally, I have drawn up this table from observations made with care by Dr. Hyslop, but it by no means shews any extreme; for I have known the thermometer 123° Fh. in the shade in August, and in winter I have seen ice on the road bearing a horse and his rider, and we have rolled snow into balls so large that they have kept us in ices for weeks. The only means I have of judging of the dryness of the atmosphere is by tatties with the thermometer outside, but in the shade, at 110° or 115° behind the tattie, it falls to 73° or 75° :—

General idea of an Average Season in Baghdad.

Months		Average maximum temperature.	Average minimum temperature.	Number of cloudy days	Number of days with rain.	Number of days with N W winds blowing	Number of days with S E winds blowing.
January	For a few days in this month the thermometer in the verandah of the courtyard is down to 34°	57	45	13	6	20	6
February ..	... ..	66	52	12	2	14	10
March ...	.. ..	74	59	13	5	15	9
April ...	... ...	82	65	8	3	18	10
May ...	.. ..	92	74	14	3	20	7
June ...	... ...	99	80	1		27	..
July ..	.. ..	103	85	...		31	.
August	Few days, middle of month, thermometer 115°; a few days with banks of clouds at sunset.	107	88	...		25	5
September	... .	101	83	...	..	20	3
October ..	Sometimes a few drops of rain ...	90	71	14	.	11	7
November	... .	71	57	10	2	12	12
December .	... ..	61	52	17	8	14	11
Rain-fall 18 to 25 inches.	In the year ..		...	102	29	230	80

N B—The thermometers with which these observations were taken were in the verandah in the courtyard of the house, and so less subject to sudden change.

All the towns in the province are very much alike, and the houses are as like as peas, differing only in size and quality. The very poor ones are of sun-dried clay, the others of kiln-burnt bricks. All are in the shape of a quadrangle formed by four blind walls, which are made of thin skins of brick work outside and in, and filled between with rubbish. The rooms, raised eight feet from the ground, are built round the inside of these walls, and all open into the courtyard, with the exception of a few of the better class which have projecting

windows to the streets, or, better still, on the river. Underneath the rooms are vaults four to six feet below the surface, in which five months of the intense heat are spent. There are verandahs along the rooms towards the court. In the better-class house, the quadrangle is divided into two, one portion for guests, and the other for a harem. The courtyards are paved with brick, with here and there a hole leading to a bottle-shaped space, into which most things are swept, and all fluids run to be absorbed. Almost every house has its well of brackish water, and the privies are funnels leading to bottle-shaped spaces under ground, from which the refuse, not absorbed by the soil, is taken once a year; these funnels are at an angle, and in my house, where there are three, if they and the well were extended a few feet, they would all meet at a point. It is scarcely then to be wondered that even the native discovers a steam in his court-yard of a hot evening which drives him to the flat roof on which he sleeps. The houses are so closely packed together that one is frequently entered by a passage underneath another, and the four walls are simply partitions from houses all round. Looking down from a minaret, Baghdad resembles a piece of honeycomb, only the walls form quadrangles instead of hexagonal spaces.

Population.

The population of the province is, say, one million, giving about twelve persons to the square mile; but if the towns and villages are excepted, only six for five hundred thousand are pastoral Arabs and Bedowin tribes.

Baghdad.

Baghdad, by far the largest and most important town, contains 70,000 Mahomedans, 2,000 Christians, and 18,000 Jews, in all 90,000 inhabitants.

Mahomedans

The Mahomedan population of Baghdad, with the exception of Turks, Persians, and Indians,—seven thousand in all,—is of Arab descent, and it is curious to trace the Bedowin from the desert into the city. In the desert we see him herding and associating with his camels,—a mere animal with only a rag round his waist, and a dirty handkerchief fixed on his head with a piece of cotton rope, his wife with simply a blue, cotton shift, and his children with nothing; his tent is a piece of camel-hair cloth, raised on four sticks from the ground, sufficient only to sit under; his food is what the camel produces, with the addition of dates; bread is a luxury; meat he never sees; eggs he cannot have, for he has no fowls. He is generally days from water, and constantly on the move. Something happens—a quarrel—and he wanders away and reaches one of the rivers, and here a new world opens on him. He sees large tents with walls in common use—tents such as his chief only used; he sees men well clad, sitting on carpets, bread in abundance, plenty of meat and eggs, dates little used, and the camp, instead of camels, is surrounded by buffaloes and sheep. If there is a marsh instead of tents, he sees imposing villages of reed huts, some of the huts of great size, supported on pillars of bundles of reeds and lattice work between, and there, for the first time, he sees a cultivator throwing in seed along the margin of the marsh as the water recedes. These are semi-settled Arabs divided into powerful tribes, but looked on by the Bedowin generally as the highland Kerne looked on the lowland farmer. Though in advance of the Bedowin, these have not much to boast of in the way of intellect. But the cleverer amongst them draw closer to the towns and become graziers, traders in brushwood, and farmers. As graziers, they still keep buffaloes, and the women carry the fresh milk to market; as traders, the women and children cut brushwood, while the men drive it in on donkeys for sale; and as farmers, they hold mud houses in villages and serve masters who generally own the land and live in town. The children of these acquire sharpness by contact with the town, and after some generations disappear amongst its citizens.

The citizens of Baghdad, called somewhat contemptuously "Baghdadie," has lost all trace of his connection with the desert, unless occasionally by marriage; if he is down in the world, he counts up only to his grandfather; if by chance he

were a man of note, or if he is wealthy, his friends remember for him how his grandfather sold sheep's feet in the streets, or made kabobs in the bazaar. I know those who are now striving to acquire wealth, and those who are spending in lust and riot what their fathers accumulated, and a few who have fallen from misfortune; but I cannot call to mind a family of Mahomedans with three generations of wealth in the place. The result of this is to form a strong middle class, kept vigorous by the influx of Arabs, with manners and general intelligence more resembling the European than the Asiatic. The boys of this class play hockey, imitate our cricket, and pelt one another with stones; and as men, their manner and address, their general converstaion and the interest they take in the ordinary topics of the day, make one at times forget for the moment that the speakers are not foreigners of the continent of Europe. The middle-class gentleman, it is true, keeps his wife in a measure secluded, but she is restrained by the rules of society, and not by physical force, and the husband does not object to speak of her much in the way an acquaintance at a club might mention his wife to whom you were unknown; only, instead of saying "my wife," or "Mrs So and-so," he says "my house," and you know what he means. The Bedowin, unless a Wahabee, when he is so often under fear, belongs to a very broad church, and if he knows one sect of Mahomedanism from another, will probably say he is Suni; but when he settles, he becomes a Sheah and a bigot: he, however, eventually reverts, for the citizen of Baghdad of to-day is a Suni, and anything but a bigot.

Christians.

In the neighbourhood of Mosul, Christians, chiefly Nestorians, cover a considerable extent of country, and either cultivate the ground, or, as weavers, collect into villages. Many come to Baghdad, either to make a little money and return, or to settle permanently.

Round lake Van, and near Hamadan and Isfahan, in Persia, are Armenians with whom the small body here in Baghdad keeps up a connection.

The Christians here are two thousand in number, and divided into six sects. Five of the sects agree to intermarry, the rule being that the wife chooses her own church, but the children must be reared with their father's people. The exclusive, as well as by far the most bigoted, body is the Armenian community, which marries only with its own creed. But thus there is a constant introduction of fresh blood.

Jews

Tradition has it that the Jews of this province are descended partly from those who remained behind in Babylon when Cyrus gave permission for their return to Jerusalem to rebuild the temple, and who have continued to live in the various capitals which sprung up one after another on the death of Alexander; but they are believed to be chiefly descended from a party of fugitives who escaped destruction at the taking of Jerusalem by Titus, and settled at Anah, on the Euphrates, and, 200 to 250 years ago, came to Baghdad and mingled with their brethren. All are collected in Baghdad, with the exception of some in the larger towns of the province, and a very few dressed as Bedowins live too useful to be molested amongst the tribes, and generally work as goldsmiths for the women. The Jews are chiefly bankers, jewellers, and shop-keepers. Here, then, is a peculiar people shut off from the outer world for generations at least—a people bound to marry in and in, even to the deceased brother's wife, with no district of country, like the Christians or Mahomedans, from which to draw fresh blood—a people who have kept closely bound together for ages, and never wandered away unless one or two in the last generation to India, and on to England, where they became merchant princess—a people whose houses and mode of life, and in fact everything that one can imagine—are the same to-day as they were a hundred years ago. As they are naturally intelligent and very conservative, it is interesting to get their account of any disease to which they have paid particular attention, even though they have no statistics; and they appear to have watched with anxiety the progress of phthisis in their community.

Phthisis. [Pulmonary consumption.]

My informants, Jews, who must have been in their prime some twenty years ago, and are now intelligent men, well read in their own literature, tell me that fifteen to twenty years ago, finding phthisis increasing amongst them in Baghdad, they began to think, and they reasoned thus:—First, said they, when a person is attacked by phthisis, death is only a matter of time; if he happen to be rich, he may lengthen his days a little by means of every comfort, but die he must; secondly, whole families are dying off; thirdly, the disease is increasing, and, fourthly, while recognising fully the hereditary influence, they felt convinced that phthisis is contagious. They then resolved to adopt a system of seclusion, and to that they have strictly adhered ever since. The patient lives in the same house with the family, but he must eat by himself apart, using his own drinking vessel, plate, and spoon, which none of the others will touch. He sleeps by himself. If they touch his clothes, they immediately wash. They particularly dread contagion when he perspires, and what they lay great stress on, is that he has a privy to himself which no one else enters: indeed, my informants say, if one of them took a house and heard that, forty years before, a phthisical family had lived there, they would build up all the privies and open fresh ones. In fact, they set the patient aside to die, and, after death, they burn his effects. They know the disease perfectly when developed, and say it comes oftener in the left lung than the right. Occasionally a wife will not dissociate herself from her husband, or a mother from her child, and then, my informants say, we know that simply she is doomed. The result of all this is that phthisis is decreasing. But before we agree with the Jews that it is contagious, we must not forget that they quite recognise the hereditary influence, and, within the last fifteen years, have been more anxious than before to avoid marriages with infected families. Some good, they say, may have been done by this greater care, but it must be slight; for money or beauty always carries the day. We must not forget also that all this care about the patient probably tends to the general cleanliness of the house, and therefore to the improvement of the general health. With those two exceptions, so far as I can see, the comparison is a fair one; for the conditions of life amongst them are the same now as before; and if one only had statistics available, the experiment might be very valuable. The unanimous opinion is that, before the adoption of these measures, phthisis was increasing, and to such an extent that it alarmed them; and it is also their unanimous opinion that phthisis is now diminishing I give these remarks for what they are worth, and I think they are worth recording; for it appears to be remarkable that a community of eighteen thousand souls should, of their own accord, universally agree to carry out a system so rigorous and so opposed to feeling of affection. It is a strong proof of the firm conviction they feel in the efficacy of the measure.

Parturition.

I have formed the idea, but greatly from guess work, that child-birth amongst the Jews is as frequently complicated as in England, while anything unusual amongst Mahomedans or Christians is as rare as with the lower animals. The difference in this respect between the communities is marked.

"Date-mark."

What is called in this place the "date-mark" is the Aleppo button, and is the counterpart of the Sind and Delhi boil, and disfigures generally in the face every child born in Baghdad, but attacks adult arrivals more commonly in the wrist, ankles, and nose. As a rule, the ulcer is very superficial, though sometimes, depending apparently on the constitution, it sloughs to the bone. It attacks the baby from the sixth to the twelfth month, and lasts on an average a year, never, it is said, less than six months. The ulcers are sometimes very numerous, running one into the other, and covering the whole of the upper lip or chin, or forming a great patch on the forehead; but, as a rule, they are very superficial, and the scars left shew how little of the true skin has been destroyed. Still it is very rare to meet a woman or a child in Baghdad marked so slightly as not to be disfigured. Those that slough deeply carry away occasionally a portion of the eyelid or both

wings of the nose, but I have never known the eyeball attacked. Dogs are attacked by it, about one in every five, on some portion of skin not covered by hair, generally the nose, and it seems to be more severe on them than on man generally, carrying away a large portion of the nose. Out of three sky-terriers I brought here, one got it in the nose, and the ulcer passed down the throat and killed the beast Horses and cats escape. The natives divide the date-mark into male and female, the male being the superficial, and the female the sloughing ulcer. Their medicines for it are legion and acknowledged ineffectual, yet, though they know the sore must run a certain course, and will heal of itself with a smaller scar if left alone, still they must torment it in their desire to do something. The Jews have tried inoculation, and I give those of their experiments I have seen in the form of a table. Their mode of operating is to take the pus from an ulcer three to four months old on a fine needle, and make ten or twelve pricks. The ulcer thus formed lasts on an average five and a half months, and with the exception of two cases, where one and two ulcers appeared within an inch of the original ones, and at the same time in none of those experimented on has the date-mark appeared elsewhere.

TABLE showing Inoculation for the "Date-mark."

Sex of Patient.	Age when inoculated.		Where inoculated.	Duration of Ulcer.	Present Age.		Remarks.
	Years.	Mths.		Months.	Yrs.	Ms.	
Female ...	4	...	Left leg ...	3	12	...	Another ulcer appeared one inch above, but healed before the inoculation.
Ditto ...	1	6	Right leg ...	12	3	...	
Ditto ...	3	...	Left wrist ...	6	8	...	
Ditto ...	7	...	Ditto ...	5	9	...	
Ditto ...	2	...	Left leg ...	4	9	...	Two other ulcers appeared within one inch of the original, and healed with it
Male ...	3	...	Right wrist ..	5	4	...	
Female ...	1	10	Ditto ...	6	2	4	
Ditto ..	1	6	Leg ...	4	4	6	

The experiment, however, is by no means free from error, for the children taken are those few who have escaped babyhood without getting the disease, and it may be said that perhaps they would escape altogether—this the Jews deny—or that they have not been inoculated sufficiently long to shew that the disease will not yet come. One thing, however, is certain that the experiment has so far satisfied the Jewish community that they say it is probable they will inoculate this coming cold weather every child between three and four months old, and if the operation prove successful and a year will shew, it will be a great benefit to the locality, and not only save the beauty of the person, but will preserve it from months of loathsome ulcers.

Plague, 1773.

The first authentic account I can get of plague in this province is in 1773. *It lasted for five months, from January till May, and is believed to have carried off two millions of the population.* * * * * * * * * *

1800-02.

Twenty-seven years after, in 1800, *it re-appeared and lasted from April to July of that year. In May* 1802 *there was a further outbreak of the disease.* * * *

1831 34.

For twenty-nine years it was absent from the country, but in March 1831 *it re-appeared in Baghdad, having, it is believed, travelled from Egypt through Syria. It raged in the city for more than a month, and the misery it produced was greatly aggravated by the inundation of the river Tigris, which rose thirty feet above its low level. During that and the following year it continued to shew itself in various parts of the province. In* 1833 *it was altogether absent, but in* 1834 *there was a slight recurrence of the pestilence.* * * * * * * *

1867.

In the beginning of May 1867, a report reached this that a strange disease had appeared in some villages in the neighbourhood of Kerbella. I went there accompanied by a Turkish Commission consisting of the European Director of the Sanitary Department, an officer of health, and two Surgeons of Turkish Regiments. The district in which this disease appeared is 60 miles long by 20 broad, and lies south-east from Kerbella. It is devoted almost entirely to the cultivation of rice and is irrigated by a large canal, the Hindeah, which carries off half the waters of the Euphrates. In early spring, when the Euphrates rises from the melting of snows in Armenia, this district is completely under water, and the little villages of reed huts are scattered about on the banks of ancient canals. This was the state of the country when I visited it in the end of May, and I had to paddle about from village to village in a small canoe made of reeds covered with bitumen. In my first round of visits I was accompanied by the Commission. The first village we examined was Haji Oofee. It was on two mounds four hundred yards apart separated by water. The part examined consisted of about 20 huts, and in this of five people attacked three women died, and one man and a woman recovered, the man had fled to a neighbouring village called Kharakjhee, and the woman was invisible. As the other division of the village was nearly deserted, we neither went there nor did we gain any information as to the number who had died Two old men said they had not seen this disease for 36 years, and it was undoubtedly the plague. After Haji Oofee we visited the village of Sheik Zeib, containing 200 inhabitants. Here 13 people were attacked, and ten died; of the recoveries one was a child 4 to 5 years old, but nothing was visible unless a gland in the axilla slightly enlarged; another a man of 40 had a gland in his left groin slightly enlarged, it had been the size of a filbert. The other recovery was a woman, and one of the Commission, a Surgeon who had seen the plague, was permitted to examine her, but without result. The ten who died succumbed from the 3rd to 6th day. No one had been taken ill since 25 days before our arrival. From Sheik Zeib we went to the village of Haji Nasr. Here we found a man Hasmi Boosinkha by name, who, having lost two daughters within 36 hours at Sheik Zeib, fled hither with the remains of his family, but his wife was attacked with buboes in the groin which never opened, and she died in six days, then two more daughters died within nine days, the buboes unopened; but in the case of his son, a boy about six, the bubo in the left groin suppurated and he recovered. Thus here in a family of seven, six were attacked and five died. Nothing could be seen in the son unless a scar in the left groin with slightly undurated edges. Pain in the groin or axilla, enlargement of the glands, fever, some delirious, others semi-comatose, were the symptoms, and the father who alone escaped described how his children vomited a mass of black blood and then died These visits were paid on the 20th and 21st of May, and the Turkish Commission satisfied itself, as they expressed it, that it was the "veritable plague." Not being myself, however, quite so sure, and being anxious, if possible, to see a case, I determined, as the Commission prepared to return to Baghdad, to prosecute alone further inquiries, which were afterwards embodied in their general report. So on the 26th, five days after, I again visited Haji Oofee, Haji Nasr and Sheik Zeib, besides Kharakjhee, where the man who had recovered at Haji Oofee fled to, and a number of other villages scattered about, and I now found that the disease began in the middle of March in Doum, a village in the very heart of this cluster, and it confined itself to Doum for a month before it spread further. Here in Doum a few died, and the disease disappeared for 8, 9 or 10 days, re-appeared, more people died, and again it disappeared for a like period, and thus it went on in all the villages it attacked except Sheik Zeib, where the people dropped off rapidly one after another. Doum contained 300 persons, and, after losing 20 in a month, the whole village fled in a northerly direction, and it was then that the disease spread to Haji Oofee, Sheik Zeib and Kharakjhee; Haji Oofee containing 500 persons had lost 20, and Kharakjhee containing 350 to 400 had lost 60 to 70. In all it was believed that 300 persons had died in the district up to the time of my arrival. Haji Oofee itself had lost no one since my last visit, but in the other part, 400 yards off, a woman, Beluja, wife of Nejmil-Mustafa, had died two days before, and her friends and relatives

told me that while making bread in the middle of the day, she felt as if struck by some one in the right groin, there was extreme pain, and a gland swelled to the size of a walnut. This swelling went down in the night, but the pain remained as before She had constant fever, heat across her body inside like a piece of fire, extreme thirst, tongue white like a piece of cotton, but not swollen. She could not talk, head shaking from side to side, she looked like one drunk, eyes swollen and inflamed, sordes collected about the teeth, and bowels confined, urine copious but yellow, and breathing natural till just before death. Next morning she vomited a fluid of a greenish and white colour, and then eight times blood, till she died at mid-day, thus having been ill 24 hours. At Kharakjhee I found that a girl, five or six years old, named Echteme Bint Allowee, had died 30 hours before my visit, and this was the attendant's description of her case:—She was taken ill at four in the morning with pain in both groins, but not in the armpits, and something swelled in the left groin. She got fever which never left her till her death; she was delirious and never talked. Her tongue was white, and they particularly remarked sordes about the teeth. The urine was natural; her bowels were never opened, and her breathing was laboured during the whole time as if of one dying Her eyes were red. There was no vomiting on the first, but on the second day she vomited much blood, about four pounds by the description, and died at ten o'clock at night, having been ill 42 hours. Here also another girl, four or five years old, named Lufta, daughter of Sheik Jabur, died the day before my visit; she, however, had been ill a month and a half. She was said to have suffered exactly from this disease, but the swellings in the right groin suppurated, and she recovered, dying eventually exhausted by the discharge from the ulcer. I now come to the case which I myself saw. A man about 40 years of age, named Hamadi-ibn Hamoud, was taken ill on the 18th, eight days before I saw him, with diarrhœa, passing, as he described it, nothing but blood and fat every two minutes. On the evening of the 20th this ceased, but he had fever all night, and in the morning he discovered on the outside of his right arm, above the elbow, a red spot about the size of a sixpence; this became black, the fever continued; he was not, however, delirious, and the breathing was natural. On the 23rd, fever left him, and he began shaking without cold; his tongue became white and dry, and he could not move it. He had great burning pain in the belly and intense thirst, pain also in the groins, but no swelling, and neither pain nor swelling in the axilla. The ulcer meanwhile continued to enlarge, and the fever became intermittent; the hot stage lasted about one hour, and the sweating twenty minutes, and this went on without any intermission. For five nights he never slept, but the night before I saw him he slept soundly, and the fever had left. He was very much emaciated, and appeared to me to be suffering simply from a large carbuncle on his arm. The carbuncle was about four inches in diameter on the outside of the right arm, one inch and a half above the elbow. It consisted of a pink ring an inch in diameter, and inside of that a black slough covered with shreds of cuticle. There had evidently been considerable swelling as the pink ring was wrinkled all over. It was laid down as a rule by those with whom I conversed that when buboes ulcerated, or an ulcer opened elsewhere, the patient recovered, otherwise he died. All, with one exception who remembered 1831, said this was undoubtedly the plague, and they had not seen it since then. The exception was Sheik Zeib, chief of the village of that name He stated that he had seen the plague before, and this was quite different; no glands ulcerated in this case, and generally it appeared another disease, but he had seen nothing like it before. It may be remarked that no mention is made of petechiæ. No inference is, however, to be drawn from this, as the Arabs evidently did not distinguish them from flea-bites, and in order to get at the truth I was careful never to put leading questions. I now arrived at the conclusion that this was without doubt the plague, and that it was still confined to a circle of villages close together; it might possibly be exterminated by surrounding those villages and hunting up the Doum people and doing the same with them. Instead, an imaginary "cordon sanitaire" was drawn many miles along the river Euphrates

and quarantine of 15 days established. The disease ceased end of June or beginning of July. * * * * * * *

1871.

The Sanitary Inspector of the Province telegraphed to the Pasha on September 12th from Suleimaniyeh that he has visited the circle of villages in Persia, about fifty miles from the frontier, at Suleimaniyeh, and that the disease reported there is, in his opinion, actually the plague; that it has been there since the winter, and appears to be travelling towards the frontier where quarantine has been established. A very intelligent eye-witness who knows the plague writes,—That besides the characteristic bubo which becomes livid, hard and angry twelve hours before death takes place, spots like the size and form of a lentil, black as ink, cover the body, and once these appear there is no hope. The number of deaths to those attacked is suspected to be 80 or 90 per cent.

With regard to protection from plague, I infer, from the foregoing and from conversations with those who passed through 1831, that if the household be small and intelligent, the house can be shut up with comparative safety, keeping watch day and night to shoot cats and other vermin entering the premises. But if the household be large, flight is the only means of safety. I also infer that plague can spread at a higher, and probably at a much lower, temperature than given by Sir Gilbert Blane, and that it can exist, if in abeyance, from spring to autumn with an average maximum temperature during July and August of 103° to 107° Fh. in the shade, and that, though it seems to be feeble the second year, that appears to be due more to the want of victims than to any inactivity in the disease itself, as we see when it attacked Busreh in 1832. We see also that, unburied after two years, it resumes its activity.

We may also infer, I think, that we have no reason to suppose this province will never be visited by plague again; that it shews a tendency to extend more and more eastward from this, that is towards Hindustan; and that, with river-steamers from Baghdad to Busreh and mail-boats from Busreh to Bombay, the danger of its getting to India is greater than before.

There can, I think, be no question as to the value of a strict quarantine, though I am unable to say of how many days, for this disease, so far as I can learn it, seems to be propagated by contagion only, and any expense to establish quarantine, any inconvenience to individuals, derangement of trade or loss to merchants could never weigh against the risk of admitting such a pestilence.

Plague cannot now, however, again commit the havoc in this province it did, for in 1773 it is said to have killed two millions, while the whole population of the province is at present barely one million. In Busreh and the villages round, it killed 200,000, while Busreh and the villages round now contain only 20,000, if so many people.

Cholera

I shall now give, so far as I can, the history of cholera in this province.

1821.

On 13th of July 1821, the Resident at Busreh informs the Senior Officer of the Hon'ble Company's cruisers that as the importation of cholera is dreaded from Muskat, the local Government has ordered a quarantine, time not given. On August 6th, a sepoy of the Residency Guard dies, and on the 11th the cruisers go to the island of Karrack, as they have lost some of their men from cholera till the disease abates in Busreh.

1822.

Colonel Taylor, the Resident, writing on the 5th December, says:—"The cholera has committed dreadful ravages throughout Persia; it put an end to a hitherto successful campaign of the army of Kermanshah against Baghdad, which, having reached the Tigris nearly opposite the city, was suddenly dispersed by an attack of this dreadful disease which has advanced as far as Diarbekir on its way to Europe."

This year cholera came from Persia by way of Kermanshah and Khanikin, and appeared in Baghdad on the 18th of September. It lasted forty days and disappeared on the 28th of October. Out of a population of 80,000, it attacked 20,000, and at least 6,000 died. On the 22nd of October, five undoubted cases had occurred in Mosul, the disease got to its height about November 5th; and on the 16th it was said simply to exist "at times quiet and then suddenly appearing." There were from seven to eight hundred deaths. The disease passed on to the villages on the Hazir river to the north-west.

1846.

On the 8th of June, cholera appeared on the Island of Bahrein and in the town of Koweit, and on the 18th in Busreh, where it remained till 18th July. It spread in all the villages round and then passed up the banks of both Tigris and Euphrates, and "the march was pretty regularly progressive," and attacking by the way Hillah, Kerbella and Nejef, it appeared in Baghdad on September 10th, and lasted 35 days, ceasing on October 15th. At this time about 1,000 persons were attacked and 150 died. On the 15th of November it appeared in the barracks of the troops at Mosul and then spread to the town, ceasing altogether on the 11th December. The deaths in Mosul did not exceed two hundred. The disease then went to Koi, Sanjak and to Jezireh to the north-west.

1847.

Cholera this year appears to have broken out at Busreh on or about the 10th of June, but as our Agent then died there are no particulars. By the 1st of July the disease was there beginning to abate after carrying off 800 persons, but it spread to Mohamrah and to Sheik-il-Sook on the Euphrates; from Sheik-il-Sook it went to Nejef, and then appeared at Hillah. On September 11th it broke out in Baghdad, and on that day there were six fatal cases. The disease lasted fifty days, disappearing on the 1st of November. In that time 1,847 deaths were recorded. It then passed northwards to Kifri and Kerkook.

1851.

Cholera made its appearance in Baghdad on or about the 12th of December, but the number of fatal cases was very limited. "It is remarkable," Sir Arnold Kemball writes, "that the Pashalic was free from the epidemic until the arrival of the Haj Caravan at Nejef and Kerbella about six weeks ago. The disease, it appears, had prevailed with great virulence at Mecca during the season, and some of the return pilgrims had fallen victims to it *en route*. At Kerbella and Nejef its effects were marked with greater severity than at Baghdad."

1855.

Cholera which had been noticed advancing for some time from Persia shewed itself in Baghdad on or about the 2nd of October, and it disappeared on the 5th of November. The attack was very mild, the mortality being on an average only five a day, 170 deaths in all being recorded. About the 10th of October a body of 3,000 pilgrims having arrived at Khanikin on the frontier from Persia, found the term of quarantine extended from 5 to 15 days. After some skirmishing with the Turkish irregulars they forced a passage and advanced towards Baghdad, when Reshid Pasha sent out a regular regiment and two guns. But an arrangement was come to on the pilgrims promising to encamp without the walls of Baghdad till the term of quarantine should expire.

1856.

Cholera coming from Persia by Khanikin appeared in Baghdad, Kerbella and Nejef about the 16th of October, but the average number of deaths in Baghdad did not exceed five a day. In Kerbella, however, with a fluctuating population of 30,000, when the disease was at its height, for 12 days, the deaths were 100 a day; and at Nejef, with a fluctuating population of 18,000, during the same time, 30 a day, but these were chiefly amongst Persian pilgrims. The disease disappeared about 25th November. At the time of its appearance here, Busreh and Bushire were free from the disease, as also Khanikin, Kermanshah, Hamadan, and Teheran,

1857.

although it was reported to have committed great ravages at Meshed, Yezd, and Shiraz in the summer

1858. Mr. Taylor, Vice-Consul, Busreh, writes that cholera commenced at Mecca, and reached El-Hissa (Lahsa) after raging for some time among the Assyr and Harb Bedowins by the way of Nejd; then taking the coast line of the gulf on the Arab side, it reached Koweit and from thence Mohamrah. It appeared in Busreh on the 10th of September, and ended on the 12th of November. Between four and five hundred of the inhabitants of Busreh were carried off by it, but the principal proportion of deaths occurred amongst the slave population. From Busreh it went to Kurnah and Sheik-il-Sook, where it was said to be in the middle of December, and there it ended.

1861. Cholera, travelling in the track of the pilgrims from Persia, was successively announced at Teheran, Hamadan, Kermanshah, and Khanikin, and declared itself in Baghdad on the 28th of September. The attack was very mild, at no time exceeding eight deaths a day, and disappeared from Baghdad on the 6th of November. On the 20th November it was said to be occasioning considerable mortality at Kerbella and Nejef.

1865. Cholera advanced from India along the north shore of the Persian Gulf as far as Assaloo, which it reached in September, and there it ceased. But it came along the southern shore to Busreh, which, when I wrote a report on it in 1866, I did not know, though Sir Arnold Kemball's investigations have shewn it. When, however, it appeared in the gulf, it was carrying off thousands of pilgrims at Mecca and Medina ; from there it passed north-east along one of the Haj routes, attacking the Wahabee town Aneyzeh, and onwards to Riad, the Wahabee capital. The inhabitants of this town, clean though it was, for I saw it just before, suffered severely. It then passed north-east, through the various tribes under the Wahabee rule, to a small village called Jaharah 20 miles west of Koweit. At this time the Mutyr and Beni-Khalid tribes, tributaries of the Wahabees, were encamped round Jaharah to the number of four or five thousand tents, and they suffered severely. Cholera appeared in the neighbourhood of Busreh, 25th or 26th of August, and carried off about five per cent. of the inhabitants and strangers in the town, and the Dthefyr, a Bedowin tribe, lost its chief, his son, and many men. It then passed along the line of the Euphrates, shewing itself successively at Sheik-il-Sook, Samawa, Diwaniyeh, Nejef, Kerbella, and Hillah, and appeared in Baghdad, September 25th ; and after carrying off 300 persons it disappeared on November 11th. The slightness of the attack in Baghdad is in a measure attributed to the troops having been camped out. The disease passed through the intervening villages and Kerkook, and reached Mosul on the 23rd October.

1869. Cholera appears to have been brought into Baghdad about the 20th October by Persian pilgrims who are said to have forced the quarantine. The disease confined itself to Baghdad, Kerbella, and Nejef, carrying off, as reported, 46,183, and 143 persons respectively. It disappeared in the beginning of December.

1870. This year cholera came from Persia by way of Khanikin, and appeared in September at Kizil Robat, a village of about 800 inhabitants, 16 miles on the way from Khanikin towards Baghdad, and for 10 days five or six people died daily ; and in the beginning of December there were a few cases at Nejef.

1871. This year cholera being at Bushire, quarantine was established at Busreh on the 2nd of March, but on the 17th the disease appeared. The attack has been on the whole mild, the number of cases reported being 330 ; but the disease still lingers in Busreh and the villages round. About the middle of May it gradually crept up the banks of the Euphrates and Tigris : on the Euphrates, attacking in order the

villages of Sheik-il-Sook, Samawa Dewaniyeh, Hillah, Nejef, and Kerbella; and on the Tigris, Kurna, Amara, and Kut-il-Amarah, with the intervening Arab tribes, and appeared in Baghdad on the 13th of June. Here the disease has been very mild, seldom more than five deaths daily, the whole number till now reported being 128. But, as in Busreh, it still lingers here, and though during August it almost disappeared, it has set in again with the cooler days of September, and I hear of one, two, and three deaths daily. Kerkook, with a population of 25,000, lies midway on the road between Baghdad and Mosul. It is built on rising ground, and watered by two fast running streams one on either side of it, but one stream is dry in summer. On the 25th of July a heavy thunderstorm broke over the town, and a little after sunset rain fell in torrents for half an hour, but for that time only and two hours after the clouds had dispersed, and the sky was clear as before. This was a most unusual and unheard of occurrence at this season of the year, and up to this time there was only the ordinary sickness and mortality in the town. But on the 30th cholera broke out, and for 15 days "raged with extreme virulence, carrying off 60 to 70 souls a day, in each case the victim suffering for four hours, not more." It then decreased during a period of eight days till it reached only two a day. In several instances whole families were swept away.

This outbreak of cholera at Kerkook has made a great impression on the natives here, and though I expected it, and about that time, yet the suddenness and the violence of the attack would seem to have something to do with the rain-fall which was certainly unusual, and I was inclined to think that the water falling on the mass of animal and vegetable matter which covers the streets and outskirts of the town, with a temperature of 140° Fh. in the sun, would perhaps somehow account for this. But a highly intelligent Persian lady with a wonderful memory, wife of the late King, Mahomed Shah, tells me that in 1843, when cholera appeared in Teheran, her husband marched with his family and camp towards Lar amongst the hills. There were a few cases of cholera, but one night, while still on the road, it rained heavily, and next night cholera burst forth with such violence, she says it was frightful; no sooner were the people ill than they died, the whole camp was in disorder; 60 of her own followers round the tents died, and when she looked from the tent door, she had to cover her face with her hands. The disease rapidly decreased. This was a very unusual fall of rain, for the hot weather had begun. They reached their destination and remained two months, when hearing nothing more of cholera, they determined to return to Teheran. They had marched a few days when rain similar to the first fell, with the same results. Though these are but the recollections of 28 years ago by a Persian lady, still I look on the facts as substantially correct, sufficient at least to shew that the accumulated filth of years was not a necessary ingredient of whatever favoured the outburst at Kerkook.

Baghdad, 29th March 1871

The most important deduction to be drawn from the foregoing in regard to this province is the value of quarantine. In letter, as per margin, I tried to describe what I saw of it on the Turco-Persian frontier. At the port of Busreh, however, quarantine is conducted somewhat differently. Busreh, it must be remembered, is 70 miles up the combined Tigris and Euphrates, and the whole of the left bank of that river, from the mouth to within 18 miles of the town, is Persian soil. On board the roomy mail steamers and square-rigged vessels arriving at the mouth, a quarantine man is placed to prevent boats going alongside, but that is a mere show, and what Sir Arnold Kemball wrote in 1858, referring to a letter of Mr. Taylor's, holds good to-day:—"And if it be true that the establishment is inadequate, and the authorities powerless to prevent hourly communication between the inhabitants of the Persian and Turkish banks of the Shat el-Arab, as well as between Arabs coming from the sea and the villages on the right bank of the river for a distance of 70 miles to Busreh; while, on the other hand, the Maadan and Chaab, Arabs, by way of retaliation, fumigate with buffaloes' dung and rice straw every Turk and citizen who may fall into their hands, exacting

from each a certain sum of a money. Such circumstances illustrate at once the futility of a similar measure in a sanitary sense, and the little real control enjoyed by the Ottoman Government beyond the environs of towns and the ground actually occupied by its troops." The internal quarantine lately placed on the Tigris was a perfect farce, considering that before its imposition cholera passed more readily up the Euphrates than the Tigris. I desired to get a list of the quarantines established in this province during the last 20 years, but the sanitary department is either unable or unwilling to furnish it. My intention was to attempt to get some idea of the value of the measure by comparing the visits of cholera with the imposition of quarantine. But had I got the list, the value of such a comparison may be judged of by the following. The Acting Political Agent, writing on the 14th March 1860, says :—" I have nothing to report with the exception of the removal of the quarantine which was established some years ago by the Turkish Government on the frontier of Persia." Again, the Political Agent, writing on the 25th September 1867, reports the establishment of quarantine at Busreh "on the ground officially stated that cholera had declared itself in a Persian city within 70 miles of the Caspian," and nowhere else. So much for Turkish quarantine in Turkish Arabia.

I have recorded 14 different visits, all I can find of cholera, to this province, and I shall now attempt an analysis of them. Cholera has entered from three directions : one direction is from Persia by Khanikin, now Khanikin is the frontier town on the road leading to Kermanshah, Hamadan, Teheran, Asiatic Russia, and Afghanistan ; another is across the desert of Arabia ; and the third by Busreh, or, if I may say it, from seaward. But in making this analysis, I exclude the two first attacks, as the information about them is very imperfect, and for the present I also exclude the third, that of 1846, as it appears exceptional, so that eleven visits remain as seen by this table :—

Cholera entered this province from

Khanikin in	Desert of Arabia in	Busreh in
1856.	1855.	1847.
1857.	1858.	1851.
1861.		1865.
1869.		1871.
1870.		

Five of those visits came from Persia by Khanikin, and it will be remarked that all were mild, and that the disease kept in a given track through Baghdad to Kerbella and Nejef, following the route of the pilgrims to those shrines and confining itself chiefly to them. Twice, in 1855 and 18[illegible] disease came across the desert, in the first case apparently coming with [illegible] and confining itself to their haunts, and disappearing. In 1858 it app[illegible] have crossed the desert from town to tribe as in 1865, and it seems to h[illegible] more virulence than in the attack of 1855, for it carried off four t[illegible]dred of the inhabitants of Busreh, and passed up the Euphrates as [illegible]eik-il-Sook where it ended. But the four times it passed through Bus[illegible]s, from seaward, it shewed much more activity, and passed up either th[illegible]tes or both Tigris and Euphrates, attacking the places *en route* to [illegible] and on to Kerkook and Mosul.

If any deduction might be made from these few visits, i[illegible]lmost look as if cholera were sometimes conveyed by human intercourse, [illegible]dually lost its energy when passed through one body to another, for, trav[illegible]er Persia and across the Arabian desert, very many people must have [illegible]cessively attacked, and it appears in this province in the track of the pil[illegible] neither wash nor change their clothes *en route*, with apparently just [illegible]ough to reach Kerbella and Nejef, the destination of those people. While [illegible] Busreh, that is from seaward, it appears to have come with greater virule[illegible]king all

indiscriminately, and passing on through Baghdad towards Mosul; and though I know it is not generally conveyed directly by this route to Europe, still all and the only times it has entered by Busreh correspond very closely with all the attacks it has made on England during the last quarter of a century;—

Cholera.

Entered by Busreh in	In England.
1847	1848-49.
1851	1853-54.
1865	1865-66.
1871	1871.

Be that as it may, the disease adheres, reasoning from the premises here given, with considerable regularity to certain given routes. The difference in temperature between September and October is so slight that I do not think that would have any marked effect on the disease In the exceptional visit of 1846, the disease enters from Persia by Khanikin, attacks Baghdad with greater violence than it has yet done, and passes on to Mosul and beyond, just as if it had come through Busreh or from seaward, but we must remember that Persia in that year was attacked with peculiar severity. With regard to 1865, I suppose for the moment that the comparatively mild attack from across the desert was absorbed by the stronger invasion from seaward.

I dread hazarding an opinion on a matter of which I know so little, but I scarcely think the spread of cholera can be due entirely to the water, for here the disease passes up the rivers against the current, literally the only source of drinking-water to the towns and villages on the banks, and the people never polute the waters by relieving themselves in them. The Bedowin, who constantly shifts his tent from one portion of dry desert to another, and whose scanty wardrobe, with all he possesses, is exposed to every breath that blows, is attacked with the same severity as the townsman who lives confined within the four walls of his house and sleeps over his cesspools and his privies. The disease spreads in the teeth of a dry burning wind blowing for weeks in the same direction without intermission.

I should here like to notice a fact, though it is without the limit of the province. Kirrind, a little town of about 400 houses, lies on the high road between Baghdad and Kermanshah. It is situated in a cleft on the south side of one of those ranges of mountain limestone supporting the table-land of Persia. The sides of the cleft rise at an angle of 45,° and the houses are distributed equally on either slope. The whole being rock, masses of boulders and lime are put together so as to form building substances. The houses are exactly alike, small, flat-roofed and two-storied, with a stair in the centre, and a little room seven feet high on either side, and above that a room on either side still lower, with a crib in the middle above the stair. In front of every house is a small courtyard. Now one stream gushes from the gorge and dashes down between the two divisions of the town, while innumerable little ones spring from the west side of the cliff and pass through every cook-room, privy, and courtyard, and down the centre of almost every street on that side. The east side of the town is dry. Now, Dr. Tholozon, who passed through this town end of last year, two months after myself, and just after it had been visited by cholera, tells me that though the disease attacked the place with proportionate severity, it confined itself entirely to the east side, not one case occurring on the west side, where the streams drain houses and streets. I give this observation for what it is worth, believing it to be a curious fact, but not enough to build a theory on, even if one knew what inference to draw, merely remarking that I feel quite as much faith in Dr. Tholozon's judgment as in my own.

Vaccination.

The Bombay Medical Board, writing on 1st August 1801, says that small-pox from inoculation is certainly a much more dangerous disease in India than in Europe; that a third of those who get the disease naturally die from it; that the Board has made

several attempts to get vaccine lymph to India, but without success; and now recommends the trial by Constantinople, Baghdad, and Busreh, performing vaccination at those places so as to send fresh lymph from them. Sir Harford Jones, Resident, writing on the 18th April 1802, says the operation of vaccination has been successfully performed at Baghdad with some matter received from Dr. de Carro at Vienna on the 30th ultimo, and he sends fresh vaccine lymph express to Busreh for conveyance to India, recommending that vaccination should be kept up on board by lascars if any had not had small-pox, otherwise by paying native children to go. The lymph arrives safely at Busreh, April 25th, and on the 5th of May Dr. Milne sends fresh supplies by the *Alert* to Bushire, Muscat and the Presidency; he again sends by four following vessels till September 1802, when the establishment of vaccination is publicly notified in the *Bombay Courier*. Dr. Short, the Civil Surgeon, passed the lymph on to India, but did not succeed in establishing vaccination in Baghdad, for I have got here a curious family document in French, dated Julfa in Persia, 1st March 1828. It is written by M. J. De Murat, a French trader who arrived here, and having married the daughter of the Dragoman to the French Consulate had a son, Cæsar. He says:—"I have the honor to declare that it is with a great deal of trouble that I have introduced vaccination into Baghdad in 1809, on account of the fanaticism which opposed itself to this salutary invention of the celebrated Mr Jenner as opposed to predestination. It required the interposition of the Grand Mufti le Sage Ahmed Effendi, who, persuaded by my solicitations here, produced children and his little infants to the number of six, on whom I performed after the manner I had operated on Cæsar." Not content with success in Baghdad, he instructed natives of Mosul and Ervan He declares that up to 1819 he had vaccinated over 4,500 infants, about two-thirds of them gratuitously; and at that date being invited to Persia to be Interpreter in Chief to the Prince Royal of Kermanshah, he left the conduct of vaccination in Baghdad in the hands of his wife, who had operated a good deal. At Kermanshah he vaccinated over 500, and amongst them 25 princes and princesses of the Khajar family, who gave him a magnificent certificate. After four years the Prince of Kermanshah died, and M. De Murat wandered to Hamadan, Teheran, Kashan, and on to Ispahan and Julfa, where he appears to have ended his days. He vaccinated at all those towns, and kept up vaccination at Julfa, which is an Armenian village on the outskirts of Ispahan, then a populous city, and he sent regular reports to Dr. (now Sir John) Macneil, then Surgeon, H. M.'s Legation in Persia. Meanwhile, Madame De Murat was not fortunate in Baghdad, for "silly women and ignorant men would meddle in it despite the opposition of Madame De Murat, using bad inoculations, and without distinguishing the true from the false; the art becomes useless and dangerous, and lost its credit in consequence of deaths caused for the most part by the contagion of small-pox, and the public lost the confidence inspired by myself and my wife with so much trouble." At this crisis Mahomed Saleh, originally servant to Dr. Hyne, Residency Surgeon, and afterwards Vaccinator in the pay of the Hon'ble E. I. Co. at Busreh, arrives, but he dies here prematurely, and the story ends. Though he does not say so, I believe De Murat got his lymph from Dr. Milne at Busreh, and vaccination was kept up in Busreh till 1829. One of the silly women in the story, Helani by name, appears, however, to have secured good lymph, for she began vaccinating in 1822, and after 10 years retired on a competency in 1832, handing over her practice to her assistant, a Native Christian woman named Lucy. The mode of performing the operation at that time was to prick the skin with a sharp piece of silver, and afterwards introduce the lymph with a quill. But about this time a female relative of Sultan Mahomed arrived in the suite of the Pasha of Baghdad, and in order to propitiate heaven distributed bundles of unarmed bone-points which are now in use. Lucy has practised till now. During the greater part of the time she had a monopoly of the business, and has accumulated considerable wealth, and on her retirement from practise some months ago she gave eight thousand rupees to her Church; and though she cannot now resist vaccinating, she devotes her-

self gratuitously to the poor Lucy tells me she uses the same lymph her mistress began with 48 years ago, and she sees no difference in it; the failures are as before—one, two, or three in a hundred. She takes the lymph from the vesicle on the eighth or ninth day. When she practised, her fees varied from a quarter of a rupee up to twenty. Inoculation is now unknown. At the present time there are twenty vaccinators in Baghdad, all women. The people are very desirous of being vaccinated, and all are, unless a numerous class of poor Arabs in and about the city to whom the fee is a consideration. A few vaccinators to practise amongst those people gratuitously would be a great blessing, but we should be unable to do it, as I feel certain we could not verify the work without exciting the jealousy of the Turks, and if the local Government itself took it in hand, it will probably pay the vaccinators just long enough to enable them to drive the private practitioners from the field, and so not improve matters. I do not know whether women are used as vaccinators in India, but it strikes me they would have many opportunities of vaccinating and getting introduction into harems, where men dare not penetrate. Small-pox amongst those vaccinated is, I understand, a disease unknown here.

Prostitution.

The prostitutes, who are derived in about equal proportions from the various religions, are not placed under regular surveillance, but are subject to the caprice of the head authority and his police agents. Namik Pasha in a fit of religious zeal sent boat loads of these unfortunates to Busreh, and six months ago the present Governor drove some seventy from the town, a few went down to Bombay, and the rest distributed themselves in the villages round, watching for better times when those who can will probably return to their old haunts. The result of this is to encourage prostitution and throw the field open to fresh enterprize, for the only thing that prevents the immediate supply of the demand thus created is the fear of temporary banishment, for the trade flourishes and many a strumpet owns houses and lands in her own right, and makes what is considered a highly respectable marriage. But those are only the notorious prostitutes who are expelled the town, and I really fear that any guess one would venture to make at the amount of secret vice would be under the mark. Newborn babes are frequently left at the doors of the mosques, sometimes with the cord not severed. I know now a child that attracted the attention of a compassionate native from the dogs pulling about the placenta. But this is the exception, the rule is to produce abortion, and I have frequent visits from females asking for medicines for the purpose. They cannot understand that there is any thing wrong in it, and they come to me either trusting to greater secrecy or perhaps to save the fee which the regular female practitioner, a specialist in her way, charges. The fee increases with the age of the fœtus, being at the rate of two rupees and a half for every month In fact, so long as a woman is considered a chattel, and placed under a sort of restraint, but allowed at the same time to go visiting and shopping with face and figure hid in a coloured sheet, I should be very sorry to draw the line between virtue and vice, and indeed the natives themselves make little or no distinction. I have since my return from Europe lunched at the same table with an elderly gentleman of rank, three highly respectable Christian families, a marriageable daughter with them, and a well known woman of the demi-monde, and no one thought it *outre*.

Municipality.

About three years ago a Municipal Commission was appointed for Baghdad. It consisted of a President, Vice-President, and four Mahomedan Members, one Christian and a Jew. In describing the citizen of Baghdad I was anxious to give an idea of the amount of intelligence probably brought into council by an average member, but the members have all drafted into other appointments, and never replaced, and the Commission has dwindled down to the President alone. The revenue is derived from taxes on houses and shops, markets, and some small items, and amounts to five thousand pounds a year. About five hundred pounds is spent on watch men, and the same for lighting the chief streets, and seven hundred on sweepers.

There are thirty sweepers, a small enough number for the size of the town, but till last winter they were ably assisted as scavengers by the dogs, but the dogs alas! have died of want, for the starving poor of our own species during the scarcity in the past cold weather were driven to grub in the streets for food, gathering bones indiscriminately and grinding them for food. There is neither a water-supply nor a fall for sewers, but the privies are particularly well adapted to the dry-earth system of Moule, and the whole expense to the house holder would be only a donkey-load of earth on an average every month, and a scoop, for though the privies would require probably to be emptied oftener than once a year, the contents would be much more valuable as manure; but the introduction of that or any other system would require management, as the poeple not unnaturally look with great jealousy on every innovation. Burials are not now permitted within the precincts of the town, and the bodies of dead Persians brought from distances sometimes in great numbers on their way to Kerbella and Nejef, two in a box, in various stages of decomposition, are now no longer allowed to lie in caravanserais in the heart of the city, awaiting the convenience of travellers, or indeed even to enter the town. The slaughter-house which has been placed very properly at the lower end of the town on the river bank would be perfect in its way, if only a brick flooring were made with a gentle slope into the river, so that a pail of water after each slaughter would keep the place perfectly clean, instead of allowing the blood and offal to sink into the earth. There is no general inspection of meat, but the Jews are very particular in what they kill, and if they detect any blemish, even the slightest, I believe the animal is rejected, but the killer is surrounded by second-rate Mahomedan butchers who are ready to bid for anything, and what the Jew rejects the Mussulman eats. The average consumption of meat is about 24,000lbs. a day, besides fowls, of which the Jews alone kill daily 600 or 700. With these stray remarks I must, for want of materials, bring this report to a close.

NOTE —Passages in italics marked with an asterisk have been abbreviated from the original report

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations ... ..125—139

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .... 37—44

PART III.—Advertisements and Notices by private Individuals and Corporations .... 29—35

PAGE.

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—

Not printed this week.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—

Preliminary Report, Criminal Procedure Bill 31—33

Second Report of Select Committee on Indian Evidence Bill .... 34—35

The Indian Evidence Bill ..... 36—59

SUPPLEMENT, No. 5 ....121—130

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 24th January 1872.

No. 400.—ERRATA.—In the Notification of this Department, No. 5601, dated 20th December 1871, page 979 of the *Gazette of India*, dated 23rd December 1871, regarding Messrs. E. Lefranc and J. Nagoua's patent for extracting and cleaning the Ramie, China-grass, &c., for "No. 556" read "No. 566" and for "Mr. J. Nagana" read "Mr. J. Nagoua."

The 31*st January* 1872.

Nos. 498—507, dated 31st January 1872.

From—E. C. BAYLEY, Esq., C. S. I., Secy. to the Govt. of India, Home Department,

To—The Local Governments and Administrations.

With reference to the accompanying copy of a letter* from the Officiating Director General of the Post Office of India, I am directed to state that the Governor General in Council sanctions the proposal therein made to apply to official *Gazettes* the reduced rates of postage chargeable on

* No. 3604, dated 7th December 1871.

newspapers under the Notification of the Financial Department, No. 957, dated 2nd June last, and I am to request that the Superintendent of the *Fort St. George, Bombay, &c., Gazette* may be instructed to conform to the conditions laid down in that Notification.

No. 507A.

Copy forwarded to the Superintendent of Government Printing for information and guidance.

The 1st February 1872.

No. 540.—Mr. W. M. Souttar, M.A., of the Bengal Civil Service, to officiate as Under Secretary to the Government of India in the Home Department, during the temporary employment of Mr. Arthur Howell on special duty, or until further orders. Mr. Souttar assumed charge of the duties of the office on the afternoon of the 16th January.

JUDICIAL.

The 29th January 1872.

No. 146.—Mr. W. M. Souttar, Officiating Registrar of the High Court at Fort William in Bengal, reported his return from the leave granted him in Notification No. 2046, dated the 15th ultimo, and the resumption of the charge of his duties on the forenoon of the 11th instant.

The 2nd February 1872.

No. 167.—Mr. F. B. Peacock received charge of the office of Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, from Mr. W. M. Souttar, on the forenoon of the 16th ultimo.

POLICE.

The 2nd February 1872.

No. 89.—Consequent on the return from furlough of Mr. F. Wright, District Superintendent of Police, the following changes are made in the Berar Police, with effect from the 22nd ultimo:—

Mr. F. Wright, District Superintendent of Police, 2nd Grade, to officiate in the 1st Grade.

Mr. N. R. Cumberlege, Officiating District Superintendent of Police, 1st Grade, to revert to his officiating position in the 2nd Grade.

Captain C. Jameson, Officiating District Superintendent of Police, 2nd Grade, to revert to his substantive position in the 3rd Grade.

Mr. Inspector Doonia Sing, in charge of Office of District Superintendent of Police, to revert to his duties of Inspector.

ECCLESIASTICAL.

The 29th January 1872.

No. 27.—The Reverend W. Simpson, a Senior Chaplain on the Bengal Establishment, has been granted by Her Majesty's Secretary of State for India an extension of leave on medical certificate for six months.

No. 29.—The Reverend J. P Boswell, a Junior Chaplain on the Bengal Establishment, has been permitted by Her Majesty's Secretary of State for India to resign the service from the date of the expiration of the leave for two years on medical certificate granted to him by the Chief Commissioner of British Burmah, under date the 2nd February 1870.

The 2nd February 1872.

No. 32.—APPOINTMENT.—The Governor General in Council is pleased to appoint the Reverend J. M. Thomson, M.A., Chaplain of the Church of Scotland on the Bengal Establishment, to be Senior Chaplain, in succession to the Reverend R. Henderson, and with effect from the date of his retirement, *viz.*, the 14th October 1871.

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January. 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions, even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and

those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1*st*.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

LAND REVENUE AND SETTLEMENT.

Fort William, the 31st January 1872.

No. 112.—It is hereby notified that under the power reserved to him by Section I of Act XXXIII and XXXIV Victoria, Chapter 59, His Excellency the Governor General in Council is pleased to extend the operation of the aforesaid Act in the Bombay Presidency from the 9th August 1870 till the 7th August 1871, and to direct that all deeds, contracts, and instruments of the nature mentioned in the said Act, executed previous to the 7th day of August 1871, shall be read as if this Notification had issued previous to their execution.

SURVEYS.

The 1st February 1872.

No. 69.—The following arrangements are made in the Great Trigonometrical Survey of India :—

Captain A. Pullan, Bengal Staff Corps, Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 3rd Grade, from the 11th December 1871.

Mr. W. H. Cole, M. A., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment as Assistant Superintendent, 1st Grade, from the 17th December 1871, the date of Captain T. T. Carter's return from furlough.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

REVENUE.

Fort William, the 2nd February 1872.

No. 32*R.*—The Viceroy and Governor General in Council is pleased to notify, for general information, that His Highness the Maharaja of Puttialla, G. C. S. I., has proclaimed the abolition of transit dues in his territory of Narnoul, Mahandargurh and Kanoud.

MILITARY.

The 31*st January* 1872.

No. 9*M.*—Jemadar Futtah, of the Mhairwarra Battalion, is promoted to the rank of Subadar, in the room of Doorga Ram, transferred to the Invalid Establishment from the 30th November 1871.

GENERAL.

The 31*st January* 1872.

No. 227*G.*—APPOINTMENT.—Captain W. G. Hughes, Assistant Commissioner of the 1st Grade, in British Burmah, to be Superintendent of the Hill Tracts of Arrakan, with effect from the 1st November 1871.

No. 229*G.*—LEAVE.—Colonel R. C. Lawrence, C.B., Resident in Nipal, is granted subsidiary leave of absence for thirty days, from the 2nd March next, or the subsequent date on which he may avail himself of it, to proceed to Bombay for the purpose of appearing before a Medical Board, with the view of obtaining furlough to Europe on medical certificate.

The 2nd February 1872.

No. 247*G.*—Assistant Surgeon T. H. Hendley, in medical charge of the Meywar Bheel Corps, has been granted one month's privilege leave from 15th January 1872.

H. LEPOER WYNNE,
for *Secretary to the Govt. of India.*

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 31*st January* 1872.

No. 847.—In continuation of Notification No. 3372, dated the 27th December 1871, the following Statement of Cash Balances, as reported up to this date, in the Government Treasuries in India, at the close of the month of December last, contrasted with that of the previous years, is published for general information :—

	Dec 1869.	Dec 1870.	Dec. 1871.
	Rs.	Rs.	Rs.
Government of India	85,74,098	1,99,80,320	4,02,70,407
Bengal	1,43,72,547	1,38,42,355	2,01,35,108
British Burmah	24,95,721	31,82,587	41,52,038
North-Western Provinces	1,84,54,890	2,34,78,368	2,58,55,243
Oudh	38,61,003	58,39,690	51,67,008
Punjab	1,11,03,845	1,11,23,599	1,25,11,134
Bombay	1,53,56,498	1,79,41,554	3,58,37,832
Central Provinces	43,65,412	61,08,760	77,05,555
Madras	1,91,18,937	2,69,76,113	2,10,46,575
TOTAL ...	9,77,02,951	12,84,73,346	17,26,80,900

LEAVE AND ALLOWANCES.

The 31st January 1872.

No. 778.—In modification of the orders of this Department, No. 1467, dated the 23rd July 1866, and No. 1295, dated the 10th July 1867, the Governor General in Council is pleased to decide that Public Officers provided, under the former of those orders, with free passage by sea, shall be allowed free passage for the number of servants shown below :—

Officers who are provided with first class passage.

	Number of servants.
If their monthly salaries be Rs. 1,000 or more	3
Ditto ditto less than Rs. 1,000	2

Officers who are provided with second class passage.

If their monthly salaries be Rs. 400 or more	2
Ditto ditto less than Rs. 400 but not less than Rs. 100...	1
Ditto ditto less than Rs. 100	None.

MINT AND CURRENCY.

The 29th January 1872.

No. 881*B*.—Surgeon Major J. F. Shekleton is appointed to officiate temporarily as Mint Master of Calcutta, *vice* Lieutenant Colonel J. F. Tennant deputed on special duty.

The 2nd February 1872.

No. 922.—Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency :—

DATE.	Circles of Issue.	Balance of Issue Account.	Retired by other Offices of Issue.	Currency Notes in Circulation.	Silver Coin Reserve.	Silver Bullion Reserve.	Gold Bullion Reserve.	Reserve in Government Securities.	TOTAL RESERVE.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
31st Jan. 1872	Calcutta ...	5,17,09,750	6,35,750	5,10,74,000	1,44,31,666	78,08,488	72,495	2,75,11,631	4,98,24,280
Ditto ...	Madras ...	1,04,97,530	4,81,780	1,00,15,750	47,73,816	...	...	17,28,404	65,02,220
Ditto ...	Bombay ..	5,57,78,020	59,42,870	4,98,35,150	1,85,90,337	1,23,11,534	..	2,25,35,209	5,34,37,080
Ditto ...	Allahabad ...	38,56,460	1,96,660	36,59,800	16,89,769	...	...	11,03,291	27,93,060
Ditto ...	Lahore ...	81,44,030	12,10,650	69,33,380	40,93,683	...	...	27,00,037	76,93,720
Ditto ...	Calicut ...	13,03,540	77,750	12,25,790	11,08,781	...	...	1,00,059	12,08,840
Ditto ...	Trichinopoly ...	8,05,830	2,42,930	5,62,900	5,14,561	...	...	1,00,059	6,14,620
Ditto ...	Vizagapatam ...	3,79,010	12,420	3,66,590	1,75,111	...	...	1,00,059	2,75,170
Ditto ...	Nagpore ...	21,30,100	5,86,410	15,43,690	5,51,518	...	...	5,47,902	10,99,420
Ditto ..	Kurrachee ...	68,95,020	24,00,630	44,94,390	41,13,704	..	...	27,00,106	68,13,810
Ditto ...	Akola ...	12,98,190	1,98,250	10,99,940	5,49,160	...	...	.	5,49,160
	TOTAL ...	14,27,97,480	1,19,86,100	13,08,11,380	5,14,92,106	2,01,20,022	72,495	5,91,26,757	13,08,11,380
	Increase, as compared with Statement No. 39		..	.	.	19,50,000			
	Decrease, as compared with Statement No. 39 ...		...	24,35,030	43,85,030	..			

CALCUTTA;
DEPT. OF ISSUE OF PAPER CURRENCY,
The 2nd February 1872.

HUGH SANDEMAN,
Head Commissioner.

PENSIONS AND GRATUITIES.

The 2nd February 1872.

No. 908.—Read—

Resolution No. 4620, dated 27th October 1871, directing the credit to the Government of India of the accumulated funds of the Bengal Covenanted Civil Service Annuity Fund.

Letter from Secretary, Civil Service Annuity Fund, dated 8th November 1871, enquiring regarding the issue of annuity warrants.

Office memorandum to Home Department, No. 3013, dated 13th December 1871.

Ditto from ditto No. 5768, „ 30th „ „

RESOLUTION.—The Governor General in Council is pleased to resolve that, so far as regards payments of annuities in India, the formal annuity warrants issued by the Managers of the Bengal Civil Service Annuity Fund, before the 27th October 1871, be regarded as sufficient authority for the payment of the annuities from the General Revenues.

2. As regards the following retired Members of the Bengal Civil Service, to whom annuities payable in India have been granted on the old scale since the 24th June 1870, the date from which the new scale of annuities takes effect, the Governor General in Council directs that their annuities be raised to £1,000, or Government Rupees 10,666⅔, with effect from the date of their retirement:—

Name.	Date of retirement.
Mr. Charles Francis Montresor	15th September 1870.
„ Charles Horne	17th August 1870.
„ William Morris Beaufort	11th May 1871.

3. With regard to future applications for annuity, the Governor General in Council directs the adoption of the rules stated beneath, which should be added under Civil Pension Code, Supplement A, Section 4; the present Rule 1 under that Section becoming Rule 2.

4. The deductions prescribed in Civil Pension Code, Supplement A, Section 3, were, under the former practice, recovered directly by the Managers from officers on leave who drew their leave allowances from the Home Treasury of the Government of India; and also, in some cases, from officers on leave who drew their leave allowances in India. The recoveries will be made through the Annuity Fund Establishments, up to and including the 26th October 1871. After that date, the recoveries will be made, by deduction or otherwise, by the Government of India.

5. Her Majesty's Secretary of State for India will be requested to make in future the necessary deductions from allowances paid at the Home Treasury of the Government of India. The deductions required should always be stated in last pay certificates delivered to officers going on leave.

1. The following rules regulate the procedure with respect to applications for annuity:—,

(*a.*) Applications for permission to resign the service, and to obtain an annuity should, if the officer be in India, be submitted to the Government of India, Madras, or Bombay (as the case may be). If the officer be in Europe, they may be submitted to Her Majesty's Secretary of State for India.

(*b.*) In the Government of India, they are considered first in the Home Department, which, if the application be for an annuity under Section 4, should obtain the report of the Comptroller General as to the officer's claim in respect of service and active service, and also as to whether there are any demands against him on account of the deduction prescribed in Section 3, or on any other account.

(*c.*) If the resignation of the officer be accepted, the case should be forwarded to the Financial Department, where a Resolution will be recorded, granting the annuity or gratuity to which the officer may be entitled.

(*d.*) The copy of this Resolution forwarded to the officer will be his authority for drawing the annuity or gratuity.

ORDERED, that this Resolution be published in the *Gazette of India;* also that copy of this Resolution be forwarded to the Home Department, to the Comptroller General (with special reference to para. 4), and to Messrs. Montresor, Horne, and Beaufort.

SEPARATE REVENUE.
(ASSESSED TAXES).

The 31st January 1872.

No. 866.—In exercise of the power conferred by Section 5 of the Indian Income Tax Act XII of 1871, the Governor General in Council is pleased to exempt from the operation of the said Act so much of the income of the inhabitants of the Jynteah Hills as accrues and arises in those Hills, and is not chargeable under either of the Parts II, III and IV of the said Act.

SEPARATE REVENUE.
(STAMPS).

The 31st January 1872.

No. 839.—In exercise of the powers conferred by Section 35 of the Court Fees' Act 7 of 1870, the Governor General in Council is pleased to remit (with the exceptions noted at foot) all fees leviable under the first and second Schedules of the said Act on plaints, petitions for execution, and memoranda of appeal filed in claims preferred under Madras Regulation VI of 1831.

EXCEPTIONS.

Plaint or petition for execution ...	... A fee of 8 annas each.
Memoranda of appeal ...	... 2 Rupees each.

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 29th January 1872.

No. 91 *of* 1872.—Subadar Kunaie Sing, 6th Regiment of Native Light Infantry, having completed 40 years' service, is, with reference to G. G. O. No. 722 of 1864, transferred to the Pension Establishment on the pension of his rank, with effect from the date that he ceased to be borne on the effective establishment.

No. 92 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Surgeon C. C. W. Wilson, of the Medical Department,—date of arrival at Bombay, 28th October 1871.

Lieutenant Colonel (Brevet Colonel) D. S. Dodgson, of Infantry,—date of arrival at Fort William, 21st January 1872.

No. 93 *of* 1872.—The services of Surgeon C. C. W. Wilson, of the Medical Department, are placed temporarily at the disposal of the Government of Bengal, with effect from the 4th December 1871.

No. 94 *of* 1872.—Native Medical Pupil Rohuth Hossain (No. 251), admitted into the service in G. G. O. No. 916, dated 20th October 1871, having refused to join his appointment, is dismissed the service, with effect from the 1st June 1871.

No. 95 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Lieutenant Colonel (Brevet Colonel) Folliott Walker Baugh, of Infantry,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain Fendall Currie, of the late 1st European Light Cavalry, City Magistrate, Lucknow, Oudh,—for two years, under the Regulations of 1868.

No. 96 *of* 1872.—The services of Lieutenant J. F. Hewson, Royal Engineers, are placed at the disposal of the Public Works Department.

The 30th January 1872.

No. 97 *of* 1872.—Supernumerary Surgeon John Charles Morice, of the Medical Department, is brought on the establishment of Surgeons to fill an existing vacancy.

No. 98 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointments :—

EAST INDIAN RAILWAY VOLUNTEER RIFLE CORPS.—*Mirzapore Company No.* 13.

Mr. Bartlet Span, to be Captain, *vice* W. B. Carter, resigned; and Mr. William Price, to be Lieutenant, *vice* Lieutenant Bennie, transferred to Dinapore; subject to the Officers passing an examination in drill.

No. 99 *of* 1872.—The following orders issued by the Government of Bombay are confirmed :—

No. 36, *dated 11th January* 1872.—Granting furlough to Europe to Surgeon John Charles Annesley, of the Medical Department,—for two years, under the Regulations of 1868.

No. 37, *dated 11th January* 1872.—Granting furlough to Europe on medical certificate to Lieutenant James Broun, of the Royal Engineers, Assistant Engineer, 2nd Grade, Department of Public Works, 1st Division, Indore Railway,—for two years, under the Regulations of 1868.

No. 100 *of* 1872.—The under-mentioned Officer has reported his return from England :—

Captain C. K. M. Walter, of the Bengal Staff Corps, Political Agent, Eastern States of Rajpootana,—date of arrival at Bombay, 17th November 1871 (date of departure on furlough, 20th November 1869).

No. 101 *of* 1872.—Under the authority of the Right Hon'ble the Secretary of State for India, Captain James Stuart Melville, unattached, is placed on the retired list on the pension of a Captain, *viz.*, 10 shillings and 6 pence per diem, as a special case, with effect from the 15th instant.

No. 102 *of* 1872.—The following Clause of Army Circulars dated 1st December 1871, is published for general information :—

Clause 209.—*Forfeiture of Service during Imprisonment, &c.*

1.—With reference to Article 541 (*a*) of the Royal Warrant of 27th December 1870, Clause 168,* Army Circulars, 1871, is hereby cancelled, and the following interpretation of the above-mentioned Article is substituted for that contained in the above Clause :—

* Published in G. G. O. No. 1114 of 20th December 1871.

A Non-Commissioned Officer or Soldier enlisted, re-enlisted, or re-engaged, under the Army Enlistment Acts of 1867 and 1870, shall not forfeit his service towards the completion of his engagement for the time during which he is under arrest, in confinement, or in civil custody, unless such arrest, confinement, or custody is on account of an offence for which he is awaiting trial, and such trial results in his conviction by a Court-Martial or Civil tribunal Service will be forfeited as heretofore for the time during which he is undergoing imprisonment by sentence of a Court-Martial or Court tribunal, or by order of his Commanding Officer.

2.—Records of service may be corrected accordingly.

2. With reference to the above, G. G. O. No. 1114 of the 20th December 1871 is cancelled.

No. 103 *of* 1872.—The following promotions are made in the under-mentioned Corps of the Native Army :—

23rd (Punjab) Regiment of Native Infantry (Pioneers).

Jemadar Jhunda Sing, to be Subadar, *vice* Mutsudda Sing, discharged.

Havildar Nehal Sing, to be Jemadar, *vice* Jhunda Sing, promoted.

The above promotions will have effect from the 1st September 1871.

The 31*st January* 1872.

No. 104 *of* 1872.—The under-mentioned Officers of the Medical Department, having completed twelve years' service, are promoted to the rank of Surgeon, from the date specified, under the provisions of G. G. O. No. 1060 of the 23rd December 1864, subject to Her Majesty's approval :—

Assistant Surgeons George William Jameson; Henry Cookson; Robert Wiseman Cunningham, M. D.; William Moir, M. B., and Thomas Gray Skardon,—20th January 1872.

No. 105 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain Edward Harvey Webb, of the General List, Infantry, 1st Wing Subaltern, 5th Regiment of Native (Light) Infantry,—for two years, under the Regulations of 1868.

Captain Dudley Thomas Heatley Sampson, of the Bengal Staff Corps, Adjutant, 9th Bengal Cavalry,—for eighteen months, under the Regulations of 1868, embarking at Bombay.

The 1*st February* 1872.

No. 106 *of* 1872 —The under-mentioned Officer is permitted to proceed to Europe on furlough on urgent private affairs :—

Surgeon Francis Day, of the Madras Medical Department, Inspector General of Fisheries in British India,—for 3 months, without pay, under the Regulations of 1854, embarking at Bombay.

The 2*nd February* 1872.

No. 107 *of* 1872.—The under-mentioned Officers of the Staff Corps having completed five years' service as substantive Lieutenant-Colonel, are promoted to the rank of Colonel by Brevet from the dates specified, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval :—

Lieutenant-Colonel Charles Herbert, Bengal Staff Corps,—30th January 1872.

Lieutenant-Colonel Edward Oakes, Bengal Staff Corps,—2nd February 1872.

No. 108 *of* 1872.—The under-mentioned Officers have reported their departure for Europe on the date specified :—

Lieutenant-Colonel (Brevet-Colonel) F. W. Drummond, of Cavalry, G. G. O. No. 1043 of 1871, and Captain F. C. W. Drummond, of the Bengal Staff Corps, G. G. O. No. 1094 of 1871,—per *Nebraska*, 16th January 1872, from Bombay.

No. 109 *of* 1872.—With reference to the Notification issued by the Public Works Department, No. 50, dated 24th January 1872, the services of Major F. T. Pollock, Madras Staff Corps, late Executive Engineer, 2nd grade, Department Public Works, Bengal, are replaced at the disposal of the Government of Fort St. George.

No. 110 *of* 1872.—In accordance with the provisions of G. G. O. No. 370 of 1863, paragraph 10, Sub-Conductor John Beatty, who was appointed on probation in the Ordnance Commissariat Department in G. G. O. No. 715 of 1871, is confirmed in his present grade of Sub-Conductor from 19th July 1871.

No. 111 *of* 1872.—The following Extract from the *London Gazette* of the 29th December 1871, page 5877, is published for general information :—

London Gazette of the 29th December 1871, *page* 5877.

WAR OFFICE, PALL MALL,
29th December 1871.

Brevet.

The under-mentioned promotions to take place consequent on the death of—

General Patrick Cameron, Madras Infantry, on the 8th December 1871.

Lieutenant-General Sir George Inglis Jameson, K. C. S. I., on the 24th October 1871.

Lieutenant-General James Fitzgerald, Madras Infantry, on the 14th November 1871.

Lieutenant-General William Maule Ramsay, Bengal Infantry, on the 13th December 1871.

To be General.

Lieutenant-General Henry Chambers Murray Cox, Bengal Infantry, dated 9th December 1871.

To be Lieutenant-Generals.

Major General Sir Charles Shepherd Stuart, K. C. B., Bombay Infantry, dated 25th October 1871.

Major General Thomas Henry Shuldham, Bengal Infantry, dated 15th November 1871.

Major General John Butler, Bengal Infantry, dated 9th December 1871.

Major General Haughton James, Bombay Infantry, dated 14th December 1871.

To be Major General.

Colonel John Barrett, Bengal Infantry, dated 14th December 1871.

No. 112 *of* 1872.—The following promotions are made, subject to Her Majesty's approval :—

CORPS.	RANK AND NAMES	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM.
Cadre of the late 46th N. I.	Major T. J. Watson, Staff Corps	Lieut. Col.	Dec. 14, 1871	Lieutenant Colonel (Brevet Colonel) J Barrett, Bengal Infantry, promoted to Major General.
	Captain J. Upperton, Staff Corps	Major .	"	
Cadre of the late 68th N. I.	Major (Captain in Staff Corps) W. G. Murray.	Lieut. Col....	"	Lieutenant Colonel (Major in Staff Corps) T. J Watson, removed from the list of Regimental Lieutenant Colonels.
	Captain (Brevet Lieutenant Colonel) C. M. MacGregor.	Major ..	"	
Cadre of the late 58th N. I.	Major A. Callander, Staff Corps	Lieut. Col.	"	Lieutenant Colonel (Captain in Staff Corps) W. G. Murray, removed from the list of Regimental Lieutenant Colonels.
	Captain P. W. Powlett, Staff Corps	Major .	"	
Cadre of the late 61st N. I.	Major (Captain in Staff Corps) G. B. Stainforth.	Lieut. Col.	"	Lieutenant Colonel (Major in Staff Corps) A. Callander, removed from the list of Regimental Lieutenant Colonels.
	Captain R. J. Walker, Staff Corps	Major ..	"	
Cadre of the late 2nd European Bengal Fusiliers.	Major (Captain in Staff Corps) T. Cadell, V. C.	Lieut. Col...	"	Lieutenant Colonel (Captain in Staff Corps) G. B Stainforth, removed from the list of Regimental Lieutenant Colonels
	Captain Edward John McNair	Major	"	
Cadre of the late 63rd N. I.	Major R. D. Campbell, Staff Corps	Lieut. Col.	"	Lieutenant Colonel (Captain in Staff Corps) T. Cadell, V. C., removed from the list of Regimental Lieutenant Colonels.
	Captain H. W. Gordon, Staff Corps	Major ...	"	
Cadre of the late 21st N I.	Major F. J. Craigie, Staff Corps...	Lieut. Col.	"	Lieutenant Colonel (Major in Staff Corps) R D. Campbell, removed from the list of Regimental Lieutenant Colonels.
	Captain (Major in Staff Corps) T G. Ross.	Major	"	
Cadre of the late 6th European Regiment.	Major Henry Hamer Stansfeld	Lieut. Col.	"	Lieutenant Colonel (Major in Staff Corps) F J. Craigie, removed from the list of Regimental Lieutenant Colonels.
	Captain O. M. Graham, Staff Corps.	Major .	"	

No. 113 *of* 1872.—Major General W. F. Beatson, of Infantry, has been allowed furlough to Europe on medical certificate for six months, under the Rules of 1854.

No. 114 *of* 1872.—The under-mentioned Officers have reported their return from England:—

Lieutenant-Colonel R. P. Anderson, of the Bengal Staff Corps, Commandant, 34th (The Futtehgurh) Regiment of Native Infantry; Major A. H. Bamfield, of the Bengal Staff Corps, District Superintendent of Police, Punjab; Major C. S. Lane, of the Bengal Staff Corps, Deputy Assistant Commissary General, 1st Class; Captain J. E. W. Howey, of the General List, Infantry; Lieutenant F. W. Nicolay, of the Bengal Staff Corps, Adjutant, 35th (The Mynpoorie) Regiment of Native Infantry; Lieutenant F. F. Cotton, of the Royal Engineers,—date of arrival at Bombay, 15th January 1872.

No. 115 *of* 1872.—The following orders issued by the Resident at Hyderabad are confirmed:—

No. 273, *dated* 16*th December* 1871.—Confirming the Regimental Order issued to the 4th Infantry, Hyderabad Contingent, dated 20th November 1871, directing Captain A. L. Playfair, Officiating 2nd in Command, to officiate as Commandant, *vice* Lieutenant-Colonel W. Weldon, on preparatory leave to Bombay, or until further orders; and Lieutenant J. G. Proudfoot, Wing Subaltern and Officiating Adjutant, to act, in addition, as 2nd in Command, until the arrival of Lieutenant W. G. C. Johnstone, or until further orders.

No. 276, *dated* 19*th December* 1871.—Confirming the Regimental Order issued to the 4th Infantry, Hyderabad Contingent, dated 22nd November 1871, appointing Lieutenant W. G. C. Johnstone, Officiating Wing Subaltern, to officiate, in addition, as Adjutant, during the period Lieutenant J. G. Proudfoot, Wing Subaltern, may officiate as 2nd in Command of the Regiment.

No. 116 *of* 1872.—The following promotions are made in the under-mentioned Corps of the Punjab Frontier Force:—

3rd Sikh Infantry.

Jemadar Gopal Singh to be Subadar, *vice* Kauh Singh, deceased.
Havildar Uttur Singh to be Jemadar, *vice* Gopal Singh, promoted.

The above promotions will have effect from 24th November 1871.

2nd Punjab Infantry.

Jemadar Kurrum Khan to be Subadar, *vice* Khairdeen, deceased.
Havildar Thakoor Sing to be Jemadar, *vice* Kurrum Khan, promoted.

The above promotions will have effect from 7th November 1871.

5th Punjab Infantry.

Havildar Baz Gool to be Jemadar from 23rd November 1871, *vice* Sher Gool, deceased.

6th Punjab Infantry.

Havildar Goolamdeen to be Jemadar from 13th December 1871, *vice* Rauja Khan, deceased.

No. 117 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Captain Robert Cecil Richard Clifford, of the Bengal Staff Corps, 3rd Squadron Officer, 2nd Punjab Cavalry, Punjab Frontier Force,—for two years, under the Regulations of 1868, embarking at Bombay.

Lieutenant William Percival Tomkins, of the Royal Engineers, Executive Engineer, 2nd Grade, Department Public Works, Rangoon Garrison Division, British Burmah,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 118 *of* 1872.—The services of Surgeon C. A. Andrews, of the Madras Medical Department, in medical charge, 8th Regiment Madras Native Infantry, are placed at the disposal of the Home Department.

H. K. BURNE, *Colonel,*
Secy. to the Govt. of India.

MARINE DEPARTMENT.

NOTIFICATION.

Fort William, the 2nd February 1872.

No. 1 *of* 1872.—The following translation of a Decree by the Governor General of Netherlands India, received from the Department of Agriculture, Revenue and Commerce, is published for general information :—

No. 34, dated India Office, London, the 14th December 1871.

From—Her Majesty's Secretary of State for India,

To—The Government of India.

I forward herewith, for the information of your Excellency in Council, copy of a translation of a decree* by the Governor General of Netherlands India, respecting the prevention of the introduction of contagious diseases into those settlements.

* Dated 4th August 1871.

2. I desire that your Excellency in Council will give every publicity to this decree.

COPY OF TRANSLATION OF DECREE.

COLONIAL MINISTRY.

The attention of those concerned is directed to the following Ordinance, promulgated by the Governor General of Netherlands India in the official paper (*Staatsblad*) of Netherlands India, 1871, No. 109, under date of 4th August 1871 :—

In the King's name!

The Governor General of Netherlands India, having heard the Council of Netherlands India, sends greeting, and notifies to all who shall see these presents or hear them read—That He, considering it desirable that measures be adopted for the prevention, as far as possible, of the introduction into Netherlands India of contagious diseases imperilling the general health ;

In observance of Articles 20, 29, 31, and 33 of the regulations for conducting the Government of Netherlands India ;

Having read the Colonial Minister's communication of 19th May 1871, letter AAZ., No. 2609;

Has thought proper and has resolved,

By virtue of the King's authorization, to establish the following general regulations for the prevention of the introduction into Netherlands India of contagious diseases imperilling the general health :

Article 1.—Ships and vessels wherein contagious diseases, dangerous to the general health, such as cholera, yellow fever, Asiatic plague, small-pox, and others of a similar character, prevail, or have prevailed, during the voyage just completed, or if such ships and vessels come from places where contagious diseases prevailed at the time of their departure, must, on their arrival in a roadstead of Netherlands India, bear a yellow flag at the foretop.

Article 2.—All intercourse of any ship or vessel arriving and bearing the yellow flag with the shore, and with other ships and vessels in the roadstead, or in the vicinity of the roadstead, without distinction, is, saving what is directed in Article 3, forbidden.

For each transgression of this prohibition, committed by any one belonging to the ship or vessel, or who has made the voyage therewith, the Commander will be punished by a fine of 100 to 1,000 florins.

Any one who, without being authorized to do so by virtue of these regulations, shall go on board such ship or vessel will be punished according to his nationality, by imprisonment or by labour on the public works for a period of eight days to a month.

The Commander of the guard-ship, or, where no such vessel is present, the Harbour Master, is to attend to the maintenance of the prohibition, in accordance with the directions given thereupon.

Article 3.—If it should afterwards appear that, although the ship or vessel is in the condition described in Article 1, the yellow flag was not hoisted upon it on its arrival, the Commander incurs a fine of 500 to 5,000 florins.

The Commander of the guard-ship, or, where no such vessel is present, the Harbour Master, then orders that the yellow flag be immediately hoisted.

Article 4.—When any ship or vessel bearing a yellow flag comes to a roadstead, or when the yellow flag is hoisted after arrival in the roadstead, according to the provision in Article 3, an officer of health from the guard-ship, or, in places where there is no guard-ship, a civil or military medical man, to be appointed by the chief of the local Administration, shall go as speedily as possible, observing the prescribed measures of precaution, on board the newly arrived ship, for the purpose of instituting a diligent enquiry as to the nature of the disease.

All officers and others charged with any civil or military medical service are bound to perform that service with the greatest speed.

A report of the result of the enquiry is to be immediately made both to the chief of the local Administration and the Commander of the guard-ship, or, in places where there is no guard-ship, to the Harbour Master, so that the necessary measures may be taken in accordance with the existing regulations in this respect, to isolate the newly-arrived ship, to render assistance to the Commander, and to attend to the sick.

If, however, it should be found that there is no danger of contagion, then permission is immediately to be given to haul down the yellow flag, and this serves as a sign that the prohibition against the opening of communication with the shore or with other vessels is revoked.

The same is done so soon as the chief of the local Administration has declared, on the advice of the medical man, that all danger of contagion is at an end.

Article 5.—The chief of the local Administration is to give immediate information, by telegraph if possible, of the measures referred to in the third paragraph of Article 4, as well as of the declaration mentioned in the last paragraph of that Article, to the Commander of the naval force, the chief of the department of Marine, and to the Director of Instruction, Worship, and Industry, and, if he is not himself the acting chief of the district, also to the chief of the district Administration.

Article 6.—In ships or vessels whereon the yellow flag has been hoisted, it must not be hauled down without the express order of the Commander of the guard-ship, or, in places where there is no guard-ship, of the Harbour Master.

After sunset two lighted lanterns must be placed one under the other on the foretop.

For every transgression of these regulations, the Commander will incur a fine of 500 to 5,000 florins.

Article 7.—The Commander of any ship or vessel whereon the yellow flag is hoisted, is bound to execute immediately and strictly the measures prescribed to him by the authorities authorized thereto in accordance with this Ordinance.

If necessary, the aid of the armed force will be called in to enforce the execution of these measures.

Article 8.—Ship and cargo are liable and seizable for the payment of the fines laid upon the Commander by virtue of Articles 2, 3, and 6.

The sentence of condemnation shall always contain the declaration that the officer charged with the execution is authorized to continue the embargo on the ship or vessel, and to prevent the departure thereof, until the fines are paid, if the sale in execution should be considered unadvisable by the chief of the local Administration in the interests of general health.

Transitory provision.—Article 1, and the first paragraph of Article 3, first come into operation with the seventh month after the promulgation of this Ordinance.

The second paragraph of Article 3, and the rest of the provisions of this Ordinance, are nevertheless applicable to the ships and vessels referred to in the first paragraph of Article 3, which arrive in a roadstead of Netherlands India within seven months after the promulgation.

And in order that no one shall plead ignorance hereof, it shall be inserted in the official paper (*Staatsblad*) of Netherlands India, and, so far as necessary, be posted up in the native and Chinese languages.

It is, moreover, ordered and commanded that all superior and inferior communities and public persons, officers, and justiciaries, each, for so far as concerns him, shall maintain the strict observance hereof without connivance or respect of person.

Done at Buitenzorg, the 4th of August 1871.

(Sd.) P. MIJER.

" VAN HARENCARSPEL,

General Secretary.

H. K. BURNE, *Colonel,*

Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 29th January 1872.

No. 60.—Mr. H. Crawford is appointed to the Public Works Department as an Assistant Engineer, 3rd Grade, on probation, and posted to the Central Provinces.

No. 61.—Mr. J. G. Hughes, Sub-Engineer, 3rd Grade, attached to the Delhi District of the Rajpootana (State) Railway, is permitted to resign his appointment in the Public Works Department.

No. 62.—Mr. E. Hyde, Executive Engineer, 4th Grade, Bengal Irrigation Branch, returned from furlough, is transferred to Rajpootana.

The unexpired portion, *viz.*, from 17th January to 6th February 1872, of the leave granted to Mr. Hyde by the Government of Bengal in its Notification No. 173, dated 20th December 1870, is cancelled.

No. 63.—Mr. J. H. L. Patterson is appointed to the Public Works Department as a Store-keeper of the 2nd Grade, and posted to the Punjab Northern (State) Railway.

The 31*st January* 1872.

No. 64.—Mr. W. J. Galwey, Executive Engineer, 1st Grade, Punjab Northern (State) Railway, joined his appointment on the 12th December 1871.

The 1*st February* 1872.

No. 65.—Mr. M. C. Mackinnon, Assistant Engineer, 2nd Grade, Punjab Irrigation Branch, is transferred to the Indore (State) Railway.

No. 66.—Lieutenant W. G Nicholson, R. E., Assistant Engineer, 2nd Grade, Hyderabad, is transferred to the Punjab Irrigation Branch.

The 2*nd February* 1872.

No. 67.—T. Narain Sawmy Pillay, Accountant, 4th Grade, Hyderabad, is granted six months' leave on medical certificate, from the date on which he availed himself of it.

No. 68.—Corporal R Baylis, Probationary Overseer, 1st Grade, Hyderabad, is permanently appointed to the Public Works Department in that grade.

No. 69.—Mr. J. H. Corbett is appointed to the Public Works Department temporarily as an Assistant Engineer, 1st Grade, and posted to the Indus Valley Railway.

No. 70.—Mr. W. H. White is appointed to the Public Works Department as an Assistant Engineer, 1st Grade, and posted to Bengal in the Buildings and Roads Branch.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 3, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16*th November* 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Pushblier at his office, No. 8, Hastings Street, Calcutta.

BANK OF BENGAL.

NOTICE.

Calcutta, the 15*th December* 1871.

A Sub-Branch of the Bank has been opened at Wurdab, in the Central Provinces, under the management of Mr. E. Fishbourne.

R. HARDIE,
Depy. Secy. and Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, Estimated Value.	Certificates issued for	Balance of Bullion		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs	Rs.	Rs.
January 8th, 1872	3,73,201	2,09,179	6,83,254	2,29,162	74,08,487
" 9th "	..	2,04,345	4,91,372	2,47,218	76,08,487
" 10th "	3,885	1,13,957	3,88,233	1,79,236	78,08,487
" 11th "		5,598	3,82,781	1,07,412	79,08,487
" 12th " ...	9,60,716	2,332	13,41,054	1,32,859	79,08,487
" 13th " .	.	1,90,747	11,61,990	3,23,550	79,08,487

CALCUTTA MINT,
The 15*th January* 1872.

J. F. TENNANT, *Lieut. Colonel,*
Offg. Mint Master.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, Estimated Value.	Certificates issued for	Balance of Bullion		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
January 22nd, 1872 ...	2,308	1,75,663	6,83,604	4,44,465	76,58,487
" 23rd " ...	1,807	60,431	6,28,644	3,13,617	78,58,487
" 24th " ...		13,451	5,59,038		72,58,487
" 25th " ...	3,71,011	2,20,678	7,79,624	1,56,602	72,58,487
" 26th " ...	1,85,884	2,18,921	7,59,991	1,74,573	74,58,487
" 27th " ...	1,65,225	2,05,489	7,32,144	1,67,602	76,58,487

CALCUTTA MINT,
The 29th January 1872.

J. F. TENNANT, *Lieut. Colonel,*
Offg. Mint Master.

Statement of Transactions of District Savings Banks for the week ending 1st February 1872.

Province.	Number of Banks open	Deposits.		Withdrawals.			Balance.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	75	5,607 0 6	10	1,501 0 0		1,80,375 12 4
N. W. Provinces ...	12	11	594 10 0	7	833 8 3	1 9 9	63,161 15 3
Punjab	13	20	1,874 0 0	1	342 0 0		43,582 3 11
Oude	3	2	125 10 0	8	2,182 0 0	6 7 6	17,637 9 8
Central Provinces ...	4	3	115 0 0	2	616 0 0	...	35,534 7 6
British Burmah ...	5	1	10 0 0	...	.	.	8,116 3 11
Berar	2	6	2,025 0 0	1	20 0 0	0 4 0	9,860 7 1
India	3	.			...	.	16,347 15 9
TOTAL ...	87	118	10,351 4 6	29	5,494 8 3	8 5 3	3,74,616 11 5

CALCUTTA,
The 1st February 1872.

HUGH D. SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal, for the week ending 30th January 1872.

LIABILITIES.	Rs. A. P.	Rs. A. P.
Proprietors' Capital, paid-up ...		2,20,00,000 0 0
Reserve Fund		15,41,089 7 0
General Treasury Balance at Head Office	3,78,59,006 10 7	5,38,96,431 2 3
General Treasury Balance at Branches...	1,60,37,424 7 8	
Other Deposits at Head Office and Branches		2,40,69,474 5 10
Bank Post Bills, &c.... ...		8,99,698 14 6
Sundries		7,20,000 0 10
TOTAL ...		10,31,26,693 14 5

ASSETS.	Rs. A. P.	Rs. A. P.
Government Securities ...		94,04,633 4 0
Loans on Government Securities at Head Office and Branches ...		97,54,183 12 10
Accounts of Credit on Government Securities at Head Office and Branches		1,70,50,045 4 6
Mercantile Bills discounted at Head Office and Branches ...		1,96,53,003 12 8
Dead Stock		11,88,837 2 5
Stamps		14,106 10 0
Balances with other Banks ...		4,21,720 5 6
Sundries		1,63,809 3 6
		5,76,50,339 7 5
Cash and Currency Notes at Head Office	1,85,46,409 2 3	4,54,76,354 7 0
Cash and Currency Notes at Branches	2,69,29,945 4 9	
TOTAL ...		10,31,26,693 14 5

By Order of the Directors,

BANK OF BENGAL;
Calcutta, 1st February 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The under-mentioned Candidates have passed the Examination for the Degree of Bachelor of Arts:—

FIRST DIVISION.

In Order of Merit.

1	Rajaninath Ráy	...	Presidency College.
2	Batakrishna Sen	...	Ditto.
3	Biharilál Bandyopádhyay	...	Ditto.
4	Sasibhushan Datta	...	Ditto.
5	Manmathakumár Basu	...	Ditto.
6	Brajendranáth De	...	Canning College, Lucknow.
7	Bipinvihári Dás	...	Presidency College.
8	Tárapada Ghoshál	...	Ditto.
9	Khiradchandra Ráychaudhuri	...	Ditto.
10	Sajanikánta Chattopádhyay	...	Ditto.

SECOND DIVISION.

In Alphabetical Order.

	Bagchi, Annadaprasad	...	Kishnaghur College.
	Bandyopadhyáy, Chandrakumar	...	Calcutta Free Church Institution.
	Basu, Asutosh	...	Cathedral Mission College.
	„ Kesavkumar	...	Presidency College.
	Bhattacharyya, Narayanchandra	...	Calcutta Free Church Institution.
	Chattopadhyáy, Kirtichandra	...	Patna College.
	„ Upendranath	...	Presidency College.
	Chaudhuri, Sasibhushan	...	Hooghly College.
	Currie, F.	...	St. Xavier's College.
10	De, Gautcharan	...	Dacca College.
	„ Purnachandra	...	General Assembly's Institution.
	Dev, Bhutnath	...	Patna College.
	Gangopadhyáy, Rajanikanta	...	Presidency College.
	Ghoshál, Saratkumár	...	Ditto.
	Hanumanprasad	...	Canning College, Lucknow.
	Kar, Girischandra	...	Presidency College.
	„ Umacharan	...	Hooghly College.
	Lahiri, Jogendranath	...	Calcutta Free Church Institution.
	Madangopal	...	Delhi College.
20	Mallik, Lalitmadhav	...	Presidency College.
	Mitra, Bisvambhar	...	Ditto.
	„ Surendranath	...	Cathedral Mission College.
	Mukhopádhyáy, Chandrasekhar, No. 2	...	Presidency College.
	„ Girindranath	...	Kishnaghur College.
	„ Haridas	...	Presidency College.
	„ Kálinath	...	Kishnaghur College.
	„ Pramadanath	...	Hooghly College.
	Nandi, Ramanchandra	...	Presidency College.
	Popelay, Lachmandas	...	Delhi College.
30	Ráy, Durgasundar	...	Dacca College.
	„ Navinchandra	...	Cathedral Mission College.
	„ Purnachandra	...	Ditto.
	„ Saradaprasanna	...	Presidency College.
	Raychaudhuri, Devendrakumar	...	Ditto.
	Rebello, P. T.	...	St. Xavier's College.
	Rothwell, J. M. G.	...	Bishop's College.
	Sarkár, Dinanáth	...	Kishnaghur College.
	Sen, Amvikácharan	...	Presidency College.
	„ Haricharan	...	Calcutta Free Church Institution.
40	Sivpratav Narayan	...	Patna College.

THIRD DIVISION.

In Alphabetical Order.

	Atmaram Mahta	Lahore College.
	Bandyopádhyáy, Jadunath	Cathedral Mission College.
	„ Maheschandra	Patna College.
	„ Rámnarayan	Presidency College.
	Basak, Rasamay	Dacca College.
	Basu, Atulchandra	Presidency College.
	„ Binadvihári	General Assembly's Institution.
	„ Hemchandra	Ditto.
	„ Jogendrachandra	Teacher.
10	„ Jogeschandra	Presidency College.
	„ Sasibhushan	General Assembly's Institution.
	Chattopadhyay, Amritalal	Cathedral Mission College.
	„ Nilkanta	Calcutta F. C. Institution.
	Dás, Mahendranath	General Assembly's Institution.
	„ Nandalál	St. Xavier's College.
	De, Lalvihari	Calcutta F. C. Institution.
	„ Nilmadhav	General Assembly's Institution.
	Dev, Gopendrakrishna	Presidency College.
	Ghosh, Avinaschandra	Ditto.
20	„ Jadunáth	Calcutta F. C. Institution.
	„ Mahimchandra	Cathedral Mission College.
	„ Sasimohan	Berhampore College.
	Gomez, D.	Bishop's College.
	Guha, Asminikumar	Presidency College.
	Gupta, Chandranarayan	Patna College.
	„ Rajnarayan	Ditto.
	Kanjilal, Kailaschandra	Teacher.
	Majumdar, Mahendrachandra	Ditto.
	„ Ramdurlabh	Dacca College.
30	Mitra, Akshaykumar	Hooghly College.
	„ Bhuvanmohan	Calcutta F. C. Institution.
	„ Bihárilál	Cathedral Mission College.
	„ Bipinvihari	Presidency College.
	„ Devendranath	Calcutta F. C. Institution.
	Mukhopadhyay, Jaygopal	General Assembly's Institution.
	„ Saradaprasad, No. 2	Calcutta F. C. Institution.
	Nandi, Becharam	Teacher.
	„ Loknáth	Presidency College.
	Páin, Nandadulal	Ditto.
40	Pál, Jadunath	Ditto.
	Ráy, Purnachandra	Kishnaghur College.
	Sányál, Bhuvanmohan	Teacher.
	„ Harischandra	Presidency College.
	Sarkár, Haradhan	Calcutta F. C. Institution.
	Sen, Bipinvihári	Hooghly College.
	„ Durgacharan	Presidency College.
	„ Jogneswar	Ditto.
	„ Maheschandra	Hooghly College.
	„ Ratneswar	Presidency College.
50	Thomson, J. F. (Junior)	Hooghly College.

The under-mentioned Students have passed the Examination for the Degree of Bachelor in Law :—

SECOND DIVISION.

In Order of Merit.

1	Mahit Chandra Basu	Presidency College.
	Chandra Mohan Chakravarti	Patna College.
3	Chandrakanta Páin	Kishnaghur College.
4	Krishnakamal Bhattacharyya	Presidency College.
5	Hariprasanna Mukhopadhyáy	Kishnaghur College.
6	Devendranath Ghosh	Presidency College.
7	Lalmohan Das	Ditto.
	Bipinkrishna Basu	Ditto.

9	Bipinvihari Mukhopadhyáy	...	Kishnaghur College.
10	Sivnath Bandyopadhyáy	...	Presidency College.
11	Basantakumár Basu	...	Ditto.
12	Rajanikánta Chaudhuri	...	Dacca College.
13	Narasinha Datta	...	Presidency College.
	Trailokyanath Basu	...	Ditto.
15	Abdul Bari	...	Ditto.
16	Syamaldás Chakravarti	...	Patna College.
17	Akshaykumár Basu	...	Presidency College.
	Umákáli Mukhopadhyáy	...	Ditto.
19	Kedarnath Sarkar	...	Ditto.
20	Rajaninath Basu	...	Ditto.
	Gopal Chandra Mukhopadhyáy	...	Ditto.

The under-mentioned Students have passed the Examination for a Licence in Law :—

In Alphabetical Order.

Baksi, Kedernath	...	Presidency College.
Bandyopadyáy, Bhuvanmohan	...	Ditto.
,, Binádvihári	...	Ditto.
,, Gopalchandra	...	Kishnaghur College.
,, Kántichandra	...	Presidency College.
Basu, Upendranath	...	Ditto.
Bhattacharyya, Jogendranath	...	Ditto.
Chattopadhyay, Trailokyanath	...	Ditto.
Chaudhuri, Káhkrishna	...	Ditto.
,, Sirischandra	...	Ditto.
Dán, Parmeswar	...	Ditto.
Dás, Bhairavchandra	...	Ditto.
,, Jagatchandra	...	Dacca College.
Datta, Priyanath	...	Presidency College.
,, Radhakrishna	...	Patna College.
De, Govindachandra	...	Presidency College.
Gangopadhyay, Binadvihari	...	Ditto.
Ghosh, Bhuvanmohan	...	Kishnaghur College.
,, Chandrakumar	...	Ditto.
,, Mahendranath	...	Presidency College.
,, Nilmádhav	...	Berhampore College.
,, Upendranath	...	Presidency College.
Lahiri, Purnachandra	...	Ditto.
Majumdar, Mahendrachandra	...	Berhampore College.
,, Upendranarayan	...	Presidency College.
Mallik, Mahendranath	...	Ditto.
Masánta, Parvaticharan	...	Ditto.
Mitra, Bhagavaticharan	...	Patna College.
,, Saradacharan	...	Presidency College.
Mukhopadhyay, Avinaschandra	...	Ditto.
Ráy Girischandra	...	Ditto.
,, Syámácharan	...	Dacca College.
Ráychaudhuri, Rámchandra	...	Presidency College.
Sarkár Jogeschandra	...	Hooghly College.
,, Mahimchandra	...	Berhampore College.
Sen, Banavarilal	...	Presidency College.
,, Jadunándan	...	Berhampore College.
,, Kánáilal	...	Presidency College.
,, Umeschandra	...	Kishnaghur College.
Sukul, Bhadranath	...	Ditto.

CALCUTTA UNIVERSITY,
The 26th January 1872.

The following Resolutions having been passed by the Senate and approved by His Excellency the Governor General in Council, are published for general information :—

(*a*).—That for the better encouragement of Vernacular education and literature an examination in Vernacular be instituted by the University, on the plan of the Middle-class Examinations conducted by British Universities.

(*b*).—That a convocation for conferring degrees upon graduates of the North-West Provinces, the Punjab, Oudh, and the Central Provinces be held annually at Allahabad.

(*c*).—That notices of meetings of the Faculty of Arts for the discussion of all business of importance be circulated to all Members, resident and non-resident, in order that any minute they may forward to the Registrar may be laid before the meeting of the Faculty.

(*d*).—That Persian be added to the list of second languages for the First Arts and B. A. Examinations.

(*e*).—That, as a part of the Entrance Examination in Oriental languages, the Examiners shall set a paper containing passages in English to be translated into one of the Vernaculars of India at the option of the candidate; the passages being taken from a newspaper or other current literature of the day.

(*f*).—That the following revised scale of fees be adopted for admission to the Examinations in Medicine :—

For the 1st	L. M. S.	Examination,	a fee of	Rs.	20.
„ 2nd	„	„	„	„	25.
„ 1st	M. B.	„	„	„	20.
„ 2nd	„	„	[illegible]	„	30.

2. The following Rules [illegible] for the conduct of the examination in Vernaculars established under Resolution [illegible] have been approved by the Senate and His Excellency the Governor General in Council :—

RULES FOR THE UNIVERSITY VERNACULAR EXAMINATION.

1. The examination shall commence annually on the Monday immediately preceding that fixed for the Entrance Examination, and shall be held in such places as the Directors of Public Instruction of the several provinces may appoint.

2. Every candidate for admission to the examination shall send his application and a fee of Rs. 3 in the Form A, given below, and the application must reach the Registrar at least 60 days before the date fixed for the commencement of the examination. Each local Director shall issue rules for the receipt of applications and fees in his province, and shall forward them to the Registrar.

3. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee.

4. The examination shall be conducted by means of printed papers, the same papers being used at every place where the examination is held.

5. The Syndicate shall appoint a Board of Examiners in Calcutta to set all the questions and to determine the full marks to be given for each question. The answers shall be examined by Local Examiners for each province, who shall be nominated by the Director of Public Instruction and approved by the Syndicate.

6. The Syndicate shall place at the disposal of each Director 80 per cent. of the fees collected in his province for the remuneration of local Examiners.

7. At the examination every candidate shall be examined in the following subjects :—

I.—LANGUAGES.

*One of the following :—**

Bengali.	Hindi.
Urdu.	Uriya.

Two papers in each language shall be set; one paper shall contain passages in prose and verse, with questions concerning their meaning and construction, from books or periodicals—the other paper shall contain general questions on Grammar, and questions to test the candidate's power of composition. A piece of prose to be written at dictation shall also be included in this paper. (Full marks, 75 for each paper.)

II.—HISTORY AND GEOGRAPHY.

The outlines of the History of India treated briefly in the Hindu and Muhammadan periods, and more fully in the British period. (One paper—full marks, 50.)

* The Syndicate may add any other language to this list.

The outlines of general Geography, with a particular knowledge of the Geography of India. (One paper—full marks, 50.)

III.—MATHEMATICS.

Arithmetic,—The whole. (One paper—full marks, 50.)

Algebra,—As far as simple equations. (One paper—full marks, 50.)

Geometry,—Euclid, Books I and II, with easy deductions. (One paper—ful marks, 50.)

Candidates shall not be approved by the Examiners unless they gain at least 25 per cent. of the marks allotted to each of the preceding subjects.

The candidates may also present themselves for examination in not more than two of the following optional subjects :—

(1) Sanskrit.
(2) Arabic.
(3) Persian.
} The standard to be that prescribed for the Entrance Examination; each language, 100 marks.

(4) Mensuration of plane figures and simple solids. Practical Geometry. Surveying by the chain with Plane Table or Prismatic Compass—50 marks.
(5) The elements of Statics, Hydrostatics, and Pneumatics—50 marks.
(6) Physical Geography and the elements of Astronomy—50 marks.

Failure in the optional subjects shall not prevent a candidate from passing; but candidates shall not be approved by the Examiners in any optional subject unless they gain 25 per cent. of the allotted marks.

8. As soon as possible after the examination, the Syndicate shall publish a list of the candidates who have passed in three classes, the first in order of merit, and the second and third in alphabetical order. Candidates shall be placed in the first class who obtain 50 per cent. of the aggregate marks; to be placed in the second and third classes, candidates must obtain 40 and 30 per cent. of the aggregate marks respectively.

9. Every successful candidate shall receive a certificate in the the Form B, given below.

A

TO THE REGISTRAR OF THE CALCUTTA UNIVERSITY.

Dated

SIR,

I request permission to present myself at the ensuing Vernacular Examination of the Calcutta University. The admission fee of 3 Rupees is forwarded herewith, and the particulars regarding which information is necessary are subjoined.

I am, &c.,

Particulars to be filled in by Candidates.

Name.
Religion.
Race (*i. e.*, nation, tribe, &c.)
Where educated.
Present position (*i. e.*, at school or present occupation).
Town or Village where resident, Pergunnah, Tehsil, Zillah.
Name of Father or Guardian.
Where to be examined.
Language in which to be examined.
Optional subjects selected.

B.

CALCUTTA UNIVERSITY.

Vernacular Examination Certificate.

I certify that duly passed the Vernacular Examination, held in the month of 187 in the following subjects—Bengali, &c., History and Geography, Arithmetic, Algebra, and Geometry, and * , and that he was placed in the class.

(Signed)

The January 187 . *Registrar.*

3. The first examination under the preceding rules will be held in November 1873.

J. SUTCLIFFE,
Registrar.

* Add the optional subjects, if any, in which the candidate has passed.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 2nd February 1872.

No. 224.—Mails for Guadur, Muscat, Bunder Abbas, Linga, Bushire, Bagdad and Bussorah, for transmission per Steamer from Bombay, will be closed at this Office on Monday, the 5th February, at 7 P. M.

No. 225.—Mails for Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Allepey, Cochin, Beypore, Calicut, Tellicherry, Cannanore, Mangalore, Carwar and Bombay, for transmission per Steamer *Arabia*, will be closed at this Office on Wednesday, the 7th February, at 7 P. M.

No. 226.—Mails for Port Blair and Camorta, for transmission per Steamer *Scotia*, will be closed at this Office on Saturday, the 3rd February, at 7 P. M.

No. 227.—Mails for Akyab, Rangoon and Moulmein, for transmission per Steamer *Madras*, will be closed at this Office on Monday, the 5th February, at 7 P. M.

No. 228.—The next Overland Mail *viâ* Bombay will close on Friday, the 9th February 1872.

2. Book post and pattern packets must be posted on the 8th.

N. B.—The Letter Box will close at 7 P. M. precisely, after which hour overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or, bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

No. 229.—Mails for Ceylon, Penang, Singapore, Hong-Kong, China, Japan and Australia, will be closed at this Office on Saturday, the 10th February, at 7 P. M., *viâ* Bombay.

The 29th January 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 27th January 1872.

Atkinson, Mrs.

Braham, F. E.
Barker, W. H.
Brown, D.
Burnell, A. St. L.
Baptist, A.
Bonavia, Dr. E.
Boezalt, J.
Barker, Lieut.
Black, Mrs.
Belt, W. H.
Brown, Capt. J. S.
Barry, J. B.
Bissumber Dutt.

Crompton, Mr. E.
Cutts, G. M.
Crompton, E.
Clarke, Miss M. G.
Culcheth, W. W.
Chatterjee, J. G. & Co.

Dawn, Capt. A.
Derrick, Miss M.
D'Mello, H. L.
Day, W.
DuCasse, W. B.
Doran, P.
Dini, F. & Co.
Davis, Mrs.
DeSilva, J. P.
Deen, J.

Ewan, C.

Francis, W. J.
Farrell, J. M.

Gisborne, E. S.
Griffin, A.
Gibson, A.
Grant, T. W.
Glazier, E.
Goodwood & Co.
Gonsague, Madame M.

Henderson, R. J.
Hardy, Mrs.
Hilton, E.
Hare, R.
Henford, R.
Houstoun, Lieut. J. F.

Knell, M.
Kennedy, T.

Lawson, Sergeant L.
Linton, Mrs.

Mackenzie, D. F.
Mackintosh, E.
McNeil, Miss J.
Minto, W.
Maclean, N. S.
McCarthy, Mrs.
McEwan & Co.
McCampbell, Lieut. Col. J.

Nemie Churn Sircar.
Notten, H. H. G.

Ross, Captain G. C.
Roberts, Sergeant S.
Reed, G. W.

Reierson, Mrs. P.
Roe, F. C.
Robertson, R. D.

Shyne, Mrs.
Selby, Lieut. H. O.
Stalke, J.
Salusbery, Major Genl. F. O.
Stoton, Captain.
Smythe, Lieut. A.
Stirling, W. J.
Scott, J. P.
Smith, T.
Smythe, Mrs. M.
Smith, J.
Sexton, Dr. E.

Tayler, E.
Thomas, Mrs.
The Proprietor, "Bengal Superior Press."
Texeira, M.
Taylor, E. F.
Thomas, W. L
The Proprietor, "Indian Tribune."
Thomas, Mrs. M. A.
The Publisher, "Indian Alenses."

Williams, Mrs. H.
Wilson, Mr. J.
Wallis, J.
Warwick, J. B.
Winser, Miss E.
West, Colonel.

W. H. McGOWAN,
Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 3, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

I, Henry William Johnson, have this day made over my right, title, and interests in the business of E. Morrison & Co., to Mr. E. Morrison.

H. W. JOHNSON.

In reference to the above notice, I, Edward Morrison, have this day taken over the entire business of E. Morrison & Co., under which style it will be continued, and to whom all debts are to be paid.

E. MORRISON.

NYNEE TAL,
The 12th January 1872.

In the Court of the Judge of the District of Bhaugulpore.

CITATION.

UNDER SECTION 250, ACT X OF 1865.

In the matter of the Estate of Charles Paterson, deceased. } Whereas an application, under the Indian Succession Act, 1865, for letters of administration to the Estate of Charles Paterson, late of Sugrampore, in the district of Bhaugulpore, has been made by his widow, Charlotte Paterson of Sooltangunj, through her pleader Mr. Joseph Dacosta, and whereas the 17th day of February of the current year (1872) has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the Estate of the said deceased may, if he desire, appear in this Court on the said 17th day of February 1872, and show cause why the application of the said Charlotte Paterson should not be granted.

Given under my hand and seal of this Court this the 12th day of January in the year of our Lord one thousand eight hundred and seventy-two.

H. MADOCKS,
Judge.

BENGAL CIVIL FUND.

At a Half-yearly General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall, Calcutta, on Wednesday, the 31st January 1872—

PRESENT:—E. C. Bayley, Esq.; H. D. Sandeman, Esq.; H. L. Dampier, Esq.; R. B. Chapman, Esq.; J. Geoghegan, Esq.; H. Beverley, Esq.; J. Westland, Esq.; A. Mackenzie, Esq.; F. H. McLaughlin, Esq.; D. M. Barbour, Esq.; and W. M. Souttar, Esq.

H. L. DAMPIER, ESQ., in the Chair.

Read the following report submitted by the Managers :—

The Managers submit their proceedings during the past half-year for the consideration and sanction of the Meeting.

Subject to the approval of the Subscribers, they have admitted to the benefits of the Fund under the new Rules the following families :—

Mrs. Hardinge ... £300 Three Children ... „ 120 £420 Less one-sixth under Rule 7 „ 70 £350 *Note.*—A son died 4 days after death of father.	The widow and three children (two sons and a daughter) of the late Mr. B. Hardinge, who died in England on the 31st July last.
Lady Harington ... £300	The widow of the late Sir Henry Byng Harington (an annuitant of 1865), who died in England on the 7th October last.
Mrs. Taylor ... £300 Four Children ... „ 400 £700	The widow and four daughters of the late Mr. W. T. Taylor (an annuitant of 1859), who died in England on the 23rd October last.
Mrs. Bidwell ... £300	The widow of the late Mr. A. C. Bidwell (an annuitant of 1856), who died in England on the 10th November last.
	Mrs. Bernard, an incumbent on the Fund, as being the widow of Mr. Block, has under Article (29) XXVIII been re-admitted to full benefits from the date of decease of her second husband. Her's is, however, one of the mutiny pensions, and the Fund is repaid the amount by Government.

The votes of subscribers have affirmed the resolutions passed at the General Meeting of the 26th July last, respecting the modifications of Articles XXIII (24), IV (5), and XXX (31). It has also been agreed that the last mentioned rule have retrospective effect given it by the Managers. The grant of a good service pension to Baboo Tincowry Roy has been confirmed. The voting was as follows :—

AMENDMENT OF RULE XXIII.		AMENDMENT OF RULE IV.		AMENDMENT OF RULE XXX.		RETROSPECTIVE EFFECT OF RULE XXX.		A GOOD SERVICE PENSION TO BABOO TINCOWRY ROY.	
For	Against	For	Against	For	Against	For	Against	For	Against
117	...	114	6	110	10	97	22	114	1

The widow of the late Mr. Craigie has applied, under the revised Rule Article XXX, for the restoration to pensionary benefits of her son Manson, who was struck off the list of incumbents on attaining his majority in November 1867. The Managers have informed her that they will, subject to the usual confirmation of the General Meeting, re-admit her son to pensionary benefits from the date that the rule came into effect, *viz.*, 8th October last. She has been requested to submit in original the certificates of the Medical Board of the India Office testifying to the inability of her son to earn his living. She will have to submit a similar certificate every five years, as well as an annual certificate from her family physician, testifying to the continuance of her son's incapacity. These checks will, the Managers trust, prevent any abuse of the rule.

Mr. W. E. Money has intimated that his son, Mosley Sapte, who attained his majority on the 25th November, is incapable of earning his livelihood. Mr. Money has at the same time expressed his wish to continue subscriptions for this son, so that, in the event of his own decease, his son may be admitted to Fund benefits. The Managers have informed him that he may, under Article IV of the Revised Rules, continue payments, but that satisfactory medical proof of the existence of the incapacity is necessary.

In the Financial Despatch No. 108 of the 30th November 1864, the Secretary of State for India intimated to the Government of Bombay that in the covenants of Natives of India entering the Civil Service, the rules requiring subscription to the Civil Funds of the services would be cancelled. To prevent mistakes in the cases of the Native gentlemen who have recently been appointed to the Civil Service of this Presidency, the Government of India has been asked whether this intention of the Secretary of State has been carried out. No reply has yet been received from Government.

The abolition of the Annuity Fund, to which the greater part of the cost of the joint office establishment of the two Funds had hitherto been debited, made it necessary for the Managers to revise the Civil Fund Office Establishment. Fortunately the Civil Fund is now in a position to support without difficulty its own proper charges. The Managers have, how-

ever, in their arrangements had strict regard to economy, as well as to efficiency. The cost of the establishment of the Annuity and Civil Funds together was Rs. 1,274 per mensem. The mean cost of the revised Civil Fund establishment is Rs. 806 per mensem. The Secretary's salary has been reduced and fixed at Rs. 300. This is included in the above sum. As the abolition of the Annuity Fund has only reduced the work of the office about 13 per cent., the Managers are of opinion that they have gone as far in the way of reduction as it is safe to venture.

The accounts of the Fund for the past year, 1870-71, are submitted.

Abstract of the Accounts of the Bengal Civil Fund for 1870-71.

UNAPPROPRIATED FUNDS.	Bearing interest at 8 per cent. Rs.	Bearing interest at 5 per cent. Rs.
By Balance, 1st April 1870	30,25,032 14 6	9,82,727 14 6
„ Interest	2,58,573 11 3	52,692 6 5
„ Subscriptions during the year	2,38,664 2 8	1,89,603 14 3
„ Composition payments by six Annuitants in India	8,361 7 1	5,496 12 11
„ Composition payments by twenty Annuitants in England ...	17,478 9 7	11,652 6 5
„ Contributions by Annuitants in India	17,052 8 2	16,081 6 8
„ Contributions paid in England and by Absentees on Furlough ...	23,831 14 10	8,466 13 10
„ Fines from six Subscribers under Rule 6, including 1 for unequal age at marriage	1,089 5 6	726 3 9
„ Fines from 3, including 1 for unequal age at marriage paid in England	890 8 5	493 10 11
„ Transfer from Appropriated Funds of deductions of one-sixth from pensions under Rule 7	13,681 10 8	9,078 5 4
„ Amount granted by Government for the payment of pensions of families of those Subscribers who were killed in the Mutiny ...	29,477 10 9	19,651 12 7
„ Transfer from Annuity Fund	1,080 0 0	720 0 0
„ Donation from the Government paid in England	25,000 0 0	...
	36,60,214 7 5	12,97,391 11 7
DEDUCT—		
To Transfer to Appropriated Funds—		
„ Value of pension of one daughter, and two sons of E. T. Trevor, (Annuitant)	9,386 1 7	7,369 1 11
„ Value of pension of Mrs. Patton, widow of J. H. Patton, (Annuitant)	16,317 0 0	13,700 6 5
„ Value of pension of Mrs. Franco, widow of G. F. Franco, (Annuitant)	13,411 12 10	10,687 3 2
„ Value of pensions of Mrs. Elliott, widow and two sons of W. H. Elliott, (Annuitant)	18,658 8 0	15,249 12 10
„ Value of pensions of Mrs. Unwin, widow, four daughters, and two sons of H. Unwin, (Annuitant)	41,751 14 6	35,126 10 11
„ Value of pensions of Mrs. Lowis, widow and two daughters of J. Lowis (Annuitant)	21,988 12 10	18,101 9 7
„ Value of pensions of Mrs. H. C. B. C. Raban, two daughters and one son	31,799 10 3	28,734 2 6
„ Value of pension of Mr. Lawrence Henry Roberts under Art. 3	6,216 0 0	5,716 0 0
„ Interest on the above values	4,199 4 11	2,171 9 11
„ Transfer to Appropriated Funds on account of pensions payable by Government	29,477 10 9	19,651 12 7
„ Refund of overpaid subscriptions	3,371 8 8	15,562 0 3
„ Refund of half composition payments under the Resolution of the General Meeting of 27th July 1870	12,082 0 0	5,553 15 0
„ Establishment, &c.	2,861 1 9	1,868 10 3
„ Printing charges	496 1 0	328 6 6
	2,12,017 7 1	1,79,821 5 10
Balance, 31st March 1871, Rs. ...	34,48,197 0 4	11,17,570 5 9
APPROPRIATED FUNDS.		
By Balance, 1st April 1870	31,96,532 0 7	23,07,991 3 6
„ Interest	2,40,344 12 10	1,15,558 15 7
„ Transfer from Unappropriated Funds, values of pensions granted to the above eight families within the year	1,59,529 12 0	1,34,684 15 4
„ Interest thereon	4,199 4 11	2,171 9 11
„ Transfer from Unappropriated Funds on account of pensions payable by Government	29,477 10 9	19,651 12 7
	36,30,083 9 1	25,80,058 8 11
DEDUCT—		
To Pensions paid in England under Old Rules	1,76,681 10 0	...
„ Pensions paid in England under New Rules	2,99,239 6 10	1,99,492 15 2
„ Pensions paid in India under New Rules	15,303 2 10	9,745 12 0
„ Marriage Donation	5,400 0 0	3,600 0 0
„ Transfer to Unappropriated Funds of the deduction of one-sixth from pensions under Rule 7	13,681 10 8	9,078 5 4
	5,10,305 14 4	2,21,917 0 6
Balance, 31st March 1871, Rs. ...	31,19,777 10 9	23,58,141 8 5
TOTAL BALANCE, 31ST MARCH 1871, Rs. ...	65,67,974 11 1	34,75,711 14 2

INVESTMENT OF THE ABOVE BALANCE.

	Rs.	A.	P.
Invested in Treasury Notes at 8 per cent.	62,61,590	1	7
Uninvested at 8 per cent. (since invested)	3,06,384	9	6
Uninvested at 5 per cent. ...	34,75,711	14	2
Rs.	1,00,43,686	9	3

COMPARISON OF THE BALANCE.

	Rs	A.	P.
Balance, 31st March 1870 ...	95,12,284	1	1
Balance, 31st March 1871 ...	1,00,43,686	9	3
INCREASE, Rs.	5,31,402	8	2

E. E.

A. MACKENZIE,

Secretary and Accountant.

Proposed by Mr. Westland, and seconded by Mr. Chapman, that the proceedings of the Managers in admitting to Fund benefits the families of the late Messrs. Hardinge, Taylor, Bidwell, Block, and Sir H. B. Harington be confirmed.

Carried.

Proposed by Mr. Barbour, and seconded by Mr. Geoghegan, that the proceedings of the Managers in the cases of the invalid sons of Mrs. Craigie and Mr. W. E. Money be confirmed.

Carried.

Proposed by Mr. Geoghegan, and seconded by Mr. Beverley, that the proceedings of the Managers in settling the scale of establishment for the Civil Fund Office be confirmed.

Carried.

Proposed by Mr. Bayley, and seconded by Mr. McLaughlin, that the accounts submitted by the Managers be formally passed.

Carried.

Proposed by Mr. Westland, and seconded by Mr. Souttar, that in future the half-yearly report of the Managers be circulated as far as possible to all subscribers residing in and near Calcutta before the day of each General Meeting.

Carried.

Proposed by Mr. Westland, and seconded by Mr. Barbour, that the following gentlemen be elected Managers for the ensuing year:—Messrs. V. H. Schalch, H. Bell, W. L. Heeley, H. Beverley, and W. M. Souttar.

Carried.

The attention of the Chairman having been called to the proposition which had been advertised, and which Mr. H. S. Beadon was to bring forward for discussion, *viz.:* that Articles 17 and 18 of the rules of the Fund be amended so as to allow Annuitants and other Members of the Fund in England who were at present unable to transmit their votes in time, to do so in future; it was decided that, as Mr. Beadon was not present and no other gentleman was willing to propose the Resolution in question, the matter must for the present drop.

A vote of thanks was passed to the Chairman.

H. L. DAMPIER,
Chairman.

BENGAL CIVIL FUND OFFICE,
The 31st January 1872.

Notice.

Wanted for the Office of Superintending Engineer, Indore State Railway, a thoroughly qualified Estimator and Draftsman. Minimum salary of the appointment is Rs. 125 per mensem. Testimonials to Superintending Engineer, Mhow.

CHARLES CHEYNE,
Superintending Engineer, I. S. R.

MHOW,
The 22nd January 1872.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER No.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4479 ...	A/90 44257 ...	100 ...	The Post Master, Calcutta.
	A/90 47751 ...	100 ...	
	A/90 45384 ...	100 ...	
	A/90 21465 ...	100 ...	
	A/84 98092 ...	100 ...	
	A/80 43019 ...	50 ...	
	A/89 56289 ...	20 ...	
	A/83 11266 ...	20 ...	
4486 ...	A/88 81295 ...	20 ...	Baboo Khetternath Roy.
4488 ...	A/85 74740 ...	500 ...	Lalla Naik Jankee Baee.
4489 ...	A/84 24431 ...	100 ...	The Inspecting Post Master, Punjab Railway Division, and Goolab Sing.
	A/84 40708 ...	100 ...	
	A/84 80002 ...	100 ...	
	A/84 41456 ...	100 ..	
4492 ...	A/84 59231 ...	100 ...	Baboo Punch Cowree Shah.
4493 ...	A/82 32353 ...	20 ...	W. V. G. Tayler, Esq.
	A/90 90556 ...	10 ...	
	A/93 09326 ...	20 ...	
	A/95 43954 ...	10 ...	
4495 ...	A/90 74540 ...	1,000 ...	Baboo Sham Lall Shaha.
	A/90 09233 ...	100 ...	
	A/90 16232 ...	100 ...	
	A/90 16233 ...	100 ...	
	A/90 21762 ...	100 ...	
	A/90 40712 ...	100 ...	
	Notes partially lost or destroyed.		
		Rs.	
4480 ...	A/73 73251 ...	20 ...	Baboo Wooma Nunda Chuckerbutty.
4481 ...	A/72 75300 wrongly joined A/72 92414 wrongly joined	20 ...	Baboo Raj Narain Dutt.
4482 ...	A/90 02417 ...	100 ...	Baboo Kasab Chunder Daw.
	A/90 41380 ...	100 ...	
	A/90 13684 ...	100 ...	
	A/90 07872 ...	100 ...	
4483 ...	A/82 47443 ...	20 ...	Baboo Pitamber Chuckerbutty.
	A/82 72554 ...	20 ...	
	A/74 31920 ...	20 ...	
	A/86 12610 ...	10 ...	
	A/97 72707 ...	10 ...	
	A/97 22918 ...	10 ...	
	A/80 95611 ...	10 ...	
	A/98 95717 ...	10 ...	
	A/96 83129 ...	10 ...	
	A/95 21803 ...	10 ...	
	A/97 85740 ...	10 ...	
	A/95 81875 ...	10 ...	
	A/79 30022 ...	10 ...	
	A/98 55955 ...	10 ...	
	A/98 96230 ...	10 ...	
	A/80 97571 ...	10 ...	
4485 ...	A/88 76254 wrongly joined A/95 77564 wrongly joined	10 ...	The Deputy Collector in charge of Sub-Treasury, Serajgunge.
4494 ...	A/84 79084 ...	100 ...	Baboo Rakhal Chunder Holdar.
4496 ...	A/97 86017 ...	10 ...	Baboo Ruthneshur Mullick.
4497 ...	A/84 85246 ...	100 ...	Baboo Radhamadhub Mookerjee.
3416 ...	A/87 93728 ...	10 ...	Baboo Tectooram Naug.
	A/87 47539 ...	10 ...	

PAPER CURRENCY OFFICE;
CALCUTTA,
The 2nd February 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

ALLAHABAD CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes partially lost or destroyed.		
		Rs.	
245A ...	D/4 06841 ...	50 ...	Nunneh Mull, Cawnpore.
	D/5 10563 ...	100 ...	
247 ...	A/56 16553 ...	20 ...	Raheem Oollah, Agra.
	D/5 12944 ...	100 ...	
248 ...	A/53 23596 ...	50 ...	Messrs. Bourne & Shepperd, Simla.
249 ...	D/5 07171 ...	10 ...	W. J. Carden, Pay Master, 1-14th Foot, Fort William.
250 ...	D/5 10014 wrongly joined	20 ...	Gopee Nauth Chatterjee, Luckhee Serai.
	D/5 10013 wrongly joined		
251 ...	D/8 32356 ditto...	10 ...	W. J. Clark, Esq., Benares.
	D/8 32357 ditto...		
252 ...	A/44 80066 ...	20 ...	Mr. J. C. Ramford, Okhla.
253 ...	D/4 08749 ...	50 ...	The Sub-Agent, Oriental Bank Corporation, Bombay.
	D/4 08786 ...	50 ...	
	D/4 08725 ...	50 ...	
	D/4 08747 ...	50 ...	
254 ...	D/5 13014 ...	20 ...	Mohamud Abdool Hameed, Bareilly.
255 ...	D/5 21532 ...	20 ...	Messrs. James Hill & Co., Allahabad.

PAPER CURRENCY OFFICE;
ALLAHABAD,
The 25th January 1872.

S. JENNINGS, *A. A. G.*,
for *Deputy Commissioner of Paper Currency.*

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Note wholly lost or destroyed.		
1871-72.		Rs.	
92 ...	C/71 94965 ...	1,000 ...	Bamanjee Nowrojee Jawas Asa, No. 116, Bhendy Bazar.
	Notes partially lost or destroyed.		
1871-72.		Rs.	
A/86 ...	C/86 71790 wrongly joined	20 ...	Messrs. C. Macdonald & Co., Victoria Buildings, Fort.
	C/86 88013 wrongly joined		
A/58 ...	C/68 36646 ditto...	50 ...	Messrs. Aldridge & Co., late Blackwell & Co., Fort.
	C/68 36649 ditto...		
84 ...	C/76 71998 ...	10 ...	Bajanjee Cursetjee, Candawalla Molla, near Nul Bazar, No. 47.
	C/76 72014 ...	10 ...	

PAPER CURRENCY OFFICE;
BOMBAY,
The 24th January 1872.

A. R. GORDON,
Assistant Commissioner.

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.		
		Rs.	
11 ...	E/4 16463 ...	50 ...	Captain G. S. Hills, 28th Regiment Punjab Native Infantry, Ferozepore.

PAPER CURRENCY OFFICE;
LAHORE,
The 26th January 1872.

R. A. FINK, *A. A. G.*,
for *Deputy Commissioner.*

CALICUT CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Notes wholly lost or destroyed.
	Rs.	
$\frac{J}{5}$16898 ...	20 ...	Charles Trutwein, Assistant Apothecary, Calicut.
$\frac{J}{5}$16899 ...	20 ...	
$\frac{J}{4}$25999 ...	50 ...	
$\frac{J}{4}$33111 ...	100 ...	
		Notes partially lost or destroyed.
	Rs.	
$\frac{J}{4}$33402 ...	50 ...	Mr. M. A. Roberts, Cochin.
$\frac{J}{4}$24632 } wrongly joined	50 ...	Mr. H. Walker, Errabanloo Street, Madras.
$\frac{J}{4}$24633 } wrongly joined		

PAPER CURRENCY OFFICE; CALICUT, *The 25th January* 1872.

P. A. COLE, *Deputy Collector, In charge of Paper Currency.*

MADRAS CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Notes partially lost or destroyed.
	Rs.	
$\frac{B}{10}$78675 ...	10 ...	Kankanhully Vittaliah, No. 20, Fort, Bangalore.
$\frac{B}{11}$06216 ...	10 ...	
$\frac{B}{51}$00977 ...	10 ...	A. Narayana Rao, Registration Clerk, Salem.
$\frac{B}{50}$05040 ...	20 ...	

ACCOUNTANT GENL.'S OFFICE, PAPER CURRENCY DEPT.; FORT ST. GEORGE, *The 22nd January* 1872.

W. DONALD, *Officiating Assistant Accountant General, In charge of Paper Currency Department.*

PROMISSORY NOTES.

Lost.

The following 4 per cent. Government Promissory Notes, Nos. 20822 and 21200, both of 1842-43, for Rs. 500 each.

KRISTO NAUTH MOOKERJEE.

The Indian Financial Almanack for 1872—*Price* 4 *annas, to be had at the Government Central Press, No.* 8, *Hastings Street, and at all Booksellers.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 3, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honour to report that we have considered the Bill and the papers noted in the Appendix and have come to the following resolutions, which we now submit in the form of a preliminary report

RESOLUTION 1.—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of rupees 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of habeas corpus, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

RESOLUTION 2.—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

RESOLUTION 3.—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.
G. CAMPBELL.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30th January 1872.

APPENDIX.

Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding
Letter from Secretary to Chief Commissioner, British Burma, No. 95-9, dated 22nd March 1869, and enclosure.
Petition from Mukhtárs of Berhampore, dated 2nd May 1869.
Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding
Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding
Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosures.
Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding
Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.
From Registrar, High Court, Calcutta, No. 584, dated 21st June 1869.
Endorsement, Home Department, No 925, dated 30th June 1869, forwarding
Letter from Acting Secretary to Government, Bombay, No. 1675, dated 31st May 1869, and enclosures
Endorsement, Home Department, No. 1106, dated 3rd August 1869, forwarding
Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. [illegible], dated 16th July 1869, and enclosures.
From Secretary to Government, Madras, No. 1360, dated 18th August 1869, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 541-9, dated 21st August 1869, and enclosure.
Petition from Dwarkanauth Bukshee and others, dated 31st August 1869.
From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
Endorsement, Home Department, No. 1520, dated 10th October 1869, forwarding
Letter from Secretary to Government, Bengal, No. 469T, dated 22nd September 1869, and enclosures
Endorsement, Home Department No. 1769, dated 8th December 1869, forwarding
Letter from Acting Under Secretary to Government, Bombay, No 4161, dated 24th November 1869.
From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosures.
Endorsement, Home Department, No. 61, dated 10th January 1870, forwarding
Letter from Acting Under Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
From Military Department, No. 556, dated 12th January 1870, and enclosures.
Endorsement, Home Department, No 131, dated 17th January 1870, forwarding
Letter from Secretary to Government, North-Western Provinces, No 13A, dated 6th January 1870, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.
„ Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.
„ Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.
„ Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosures.
Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding
Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosures, and
Despatch from Secretary of State, No. 39, dated 21st October 1868.
From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.
„ Secretary to Government, Panjáb, No. 613, dated 5th May 1870, and enclosures.
„ Officiating Under Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
Office Memorandum, Home Department, No. 903, dated 27th May 1870
Endorsement, Home Department, No. 1234, dated 11th July 1870, forwarding
Office Memorandum, Financial Department, No. 1277, dated 22nd June 1870, and enclosure.
Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.
From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosures.
From Government of Bombay, No. 2899, dated 30th July 1870, and enclosure.
Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding
Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.
From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.
Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding
Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870, and enclosures.
From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosures.
From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.
From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.
From Acting Under Secretary to Government, Bombay, No. 3810, dated 8th October 1870.
Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding
Judicial despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and connected correspondence.

From T. H. Thornton, Esq., dated 24th November 1870, and enclosures.
„ Secretary to Government, Bombay (no No. and date), and enclosure.
„ Officiating Legal Remembrancer, No. 1450, dated 16th December 1870.
Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding
Letter from Secretary to Government, Panjáb, No. 1796, dated 27th December 1870, and enclosures.
Endorsement, Home Department, No. 84, dated 20th January 1871, forwarding
Letter from Under Secretary to Government, Panjáb, No. 1777, dated 23rd December 1870, and enclosures.
From Judge of Bhagulpore, No. $\frac{C.O}{28}$, dated 23rd January 1871.
Office Memorandum, Home Department, No. 103, dated 24th January 1871.
Endorsement, Home Department, No. 134, dated 2nd February 1871, forwarding
Letter from Registrar, High Court, No. 51, dated 17th January 1871.
Endorsement, Home Department, No. 87, dated 11th February 1871, forwarding
Letter from Under Secretary to Government, Panjáb, No. 279, dated 19th January 1871, and enclosure.
From Officiating Junior Secretary to Chief Commissioner, Oudh, No. 868, dated 17th February 1871, and enclosures.
Endorsement, Home Department, No. 250, dated 20th February 1871, forwarding
Letter from Chief Secretary to Government, Fort Saint George, No. 100, dated 26th January 1871, and enclosure.
Endorsement, Home Department, No. 254, dated 21st February 1871, forwarding
Letter from Officiating Civil and Sessions Judge, Nuddea, No. 66, dated 4th February 1871.
Note by the Hon'ble Mr. Shaw Stewart, dated 26th February 1871.
From Officiating Junior Secretary to Government, North-Western Provinces, No. 39A, dated 28th February 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 884, dated 2nd March 1871, and enclosure.
„ Chief Secretary to Government, Madras, No. 300, dated 13th March 1871, and enclosure.
Endorsement, Home Department, No. 436, dated 25th March 1871, forwarding
Letter from Officiating Junior Secretary to Government, Bengal, No. 727, dated 18th February 1871, and enclosures.
From H Birdwood, Esq., to Hon'ble F. S. Chapman (no date).
Memorandum by C. D. Field, Esq., dated 1st April 1871.
Note by Officiating Deputy Commissioner, Goojranwalla, dated 3rd April 1871.
From Acting Under Secretary to Government, Bombay, No. 1531A, dated 12th April 1871, and enclosures.
„ Junior Secretary to Government, Bengal, No. 1799, dated 20th April 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 1954, dated 13th May 1871, and enclosures.
Endorsement, Foreign Department, No. 150J, dated 8th July 1871, forwarding
Letter from Under Secretary to Government, Bombay, No. 2675, dated 11th July 1871, and enclosure.
Endorsement, Home Department, No. 1181J, dated 14th July 1871, forwarding
Letter from Officiating Secretary to Government, Panjáb, No. 876, dated 23rd June 1871, and enclosures.
From Officiating Secretary to Chief Commissioner, Coorg, No. $\frac{72}{8}$, dated 27th July 1871, and enclosures.
From Secretary to Government, North-Western Provinces, No. 207A, dated 14th August 1871, and enclosure.
„ „ „ Panjáb, No. 1145, dated 14th August 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 3215, dated 18th August 1871, and enclosure.
Note by Officiating Deputy Commissioner, Gonda, dated 26th August 1871.
From Officiating Secretary to Government, Panjáb, No. 1273, dated 5th September 1871, and enclosure.
„ Officiating 2nd Assistant Resident, Hyderabad, No. 2, dated 7th September 1871, and enclosures.
„ Officiating Assistant Secretary to Chief Commissioner, British Burma, No. $\frac{8}{5}\frac{4}{8}$, dated 9th September 1871.
Endorsement, Home Department, No. 1518, dated 14th September 1871, forwarding
Proceedings of Government, North-Western Provinces (Criminal) for May 1871.
„ Home Department, No 1521J, dated 15th September 1871, forwarding
Office Memorandum from Financial Department, No. 2785, dated 16th August 1871.
From Secretary to Government, Bengal, No. 4732, dated 3rd October 1871, and enclosure.
„ Officiating Secretary to Chief Commissioner, Central Provinces, No. $\frac{8048}{8}$, dated 9th October 1871, and enclosures.
„ Assistant Secretary to Government Madras, No. 157, dated 25th October 1871, and enclosures.
„ Officiating Secretary to Chief Commissioner, Oudh, No. 5041, dated 2nd November 1871, and enclosures.
„ D. G. Barkley, Esq., dated 2nd November 1871.
„ Secretary to Government, Bengal, No. 5457, dated 4th November 1871, and enclosures.
„ Officiating Secretary to Government, Bengal, No. 6064, dated 30th November 1871.
„ Secretary to Government, North-Western Provinces, No. 369, dated 6th December 1871, and enclosure.
„ „ „ Bombay (no date.)
„ „ „ Madras, No. 172, dated 7th December 1871.
„ „ „ Bengal, No. 6394, dated 15th December 1871.
„ „ „ Panjab, No. 1756, dated 16th December 1871, and enclosures.
„ „ „ Bengal, No. 6629, dated 23rd December 1871.
„ Chief Secretary to Government, Madras, dated 4th January 1872, forwarding
Opinion by J. D. Mayne, Esq.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872 :—

Second Report of the Select Committee.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Indian Evidence Bill was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Petition from certain Barristers and Advocates of Bombay, dated 18th August 1871.
From Officiating Secretary to Chief Commissioner of Coorg, No. $\frac{326}{4}$, dated 4th October 1871, and enclosures.
From certain Pleaders of the High Court, Bombay, dated 4th October 1871.
From Officiating Secretary to Chief Commissioner of Coorg, No. $\frac{420}{8}$, dated 9th October 1871, and enclosure.
From Chief Secretary to Government, Fort Saint George, No. 166, dated 21st November 1871, and enclosures.
From F. J. Fergusson, Esq., Barrister, High Court, Calcutta, dated 8th December 1871, forwarding Memorial from Barristers and Advocates, High Court, Calcutta.
From Secretary to Chief Commissioner, Central Provinces, No. $\frac{2640}{106}$, dated 6th December 1871, and enclosures.
From Officiating Secretary to the Government of Bengal, No. 6326J, dated 13th December 1871, and enclosures
Memorial from certain Members of the Madras Bar, dated 16th December 1871.
From Secretary to Government, Panjáb, No. 1745, dated 13th December 1871, and enclosures.
From Officiating Registrar, High Court, Calcutta, No. 3936, dated 18th December 1871.
From Officiating Secretary to Chief Commissioner, Oudh, No. 5719, dated 22nd December 1871, and enclosures.

1. We have made some alterations in the arrangement of the Bill.

2. We have omitted the definitions of "proof" and "moral certainty" and the sections relating to inferences to be drawn by the Court as being suitable rather for a treatise than an Act.

3. We have omitted the provisions relating to material evidence and have given a new and simpler definition of the difference between primary and secondary evidence.

4. We have provided that the Act shall apply to all judicial proceedings, but not to affidavits presented to any Court or officer, nor to proceedings in arbitration.

5. As to the effect of an admission by one of several persons jointly tried for an offence, we have omitted sections 120 and 121 of the original Bill. Instead of these, we have provided that when two or more persons are on their trial for the same offence at the same time, and an admission is proved against one of them, which affects others of the accused besides himself, it may be taken into consideration by the Court against all the persons whom it affects.

6. We have redrawn Chapter VI, as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now represent the English law on the subject freed from certain refinements which would not be suitable for this country.

7. Exception was taken to the Bill in several quarters on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows :

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 103 to 108 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 111, 112.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference', which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country and likely to produce great inconvenience if it were introduced. We have accordingly, by section 113, put all such presumptions in the position of mere presumptions of fact with which the Court can deal at its discretion.

We have provided in the Chapter on the Burden of Proof that a Notification in the Gazette that a territory has been ceded to a Native State shall be conclusive proof of a valid cession at the date mentioned in the Notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the law of evidence, because they do not belong to the subject and because many of them are fictitious.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend the omission of sections 141 to 145 of the old draft, as to questions to credit asked by barristers or pleaders, and the substitution of provisions showing the principles by which the asking of such questions should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

10. We have amended the wording of section 166 as to the Judge's power to ask questions. The section as originally drawn might have been taken to authorize him to found his judgment upon irrelevant matter, such as loose rumours. The intention of the section was to give him the fullest possible power of inquiry for the discovery of relevant matter. The section as now drawn makes this clear.

11. We have omitted the chapter as to the duties of Judges and Juries, which will, we think, be more properly placed in the Code of Criminal Procedure. We have also omitted the provisions as to appeal in the first draft, and have substituted for them section 57 of Act II of 1855, which provides for the cases in which the improper admission or rejection of evidence shall be ground for a new trial or reversal of a decision.

12. Subject to these amendments we recommend that the Bill be passed, but we also recommend that the amended Bill *be* published in the Gazette, and that this report be not taken into consideration for a month from the date of its publication.

J. F. STEPHEN.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30th January 1872.

THE INDIAN EVIDENCE BILL.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

SECTION.

1. Short title.
   Extent.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. "May presume."
   "Shall presume."
   "Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given of facts in issue and relevant facts.
6. Facts forming part of same transaction.
7. Facts which are occasion, cause, or effect of facts in issue.
8. Motive, preparation and subsequent conduct.
9. Facts necessary to explain or introduce relevant facts.
10. Things said or done by conspirator in furtherance of common design.
11. When facts not otherwise relevant become relevant.
12. In suits for damages, evidence may be given of facts tending to determine amount.
13. Facts relevant when right or custom is in question.
14. Facts showing existence of state of mind, or of body or bodily feeling.
15. Act forming part of series of occurrences.
16. Course of business when relevant.

ADMISSIONS.

17. Admissions defined.
18. Admissions by parties interested in subject-matter.
19. Admissions by persons whose position must be proved as against party to suit.
20. Admissions by persons expressly referred to by party to suit.
21. Relevancy of admissions against or in behalf of persons concerned.
22. When oral admissions as to contents of documents are relevant.
23. Admissions in civil cases when relevant.
24. Admission of crime caused by inducement, threat, or promise irrelevant.
25. Confession made to a police officer shall not be used as evidence.
26. Confession made while the accused is in custody of the police shall not be used as evidence.
27. So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.
28. Admission made after removal of impression caused by inducement, threat, or promise relevant.

SECTION.

29. Admission otherwise relevant not irrelevant on certain grounds.
30. Consideration of proved admission affecting person making it and others jointly under trial for same offence.
31. When admissions are conclusive proof.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. When statement by person who is dead or cannot be found, &c., is relevant.
    Statement as to cause of death.
    Statements in course of business.
    Statements against interest.
    Matters of general interest.
    As to relationship.
    Recitals as to relationship in deeds.
    Statements in deeds.
33. Evidence in a former judicial proceeding when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account.
35. Entry in public record, made in performance of duty enjoined by law, when relevant.
36. Maps and plans when relevant.
37. Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.
38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. Previous judgments relevant to bar a second suit or trial.
41. Judgments in probate, &c., jurisdiction.
42. Judgments, order, or decree between third parties when irrelevant and when not.
43. Fraud, collusion, and incompetency of Court may be proved.
44. What judgments, &c., not relevant.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. Opinions of experts.
46. Facts bearing upon opinions of experts.
47. Opinion as to hand-writing.
48. Opinion as to existence of right or custom, when relevant.
49. Opinions as to usages, tenets, &c., when relevant.
50. Opinion on relationship, when relevant.
51. Grounds of opinion, when relevant.

CHARACTER WHEN RELEVANT.

52. In civil cases, character to prove conduct imputed irrelevant.
53. In criminal cases, previous good character relevant.
54. Previous conviction in criminal trials relevant, but not previous bad character, except in reply.
55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

56. No evidence required of relevant fact judicially noticed.
57. Facts of which Court must take judicial notice.
58. Facts admitted.

CHAPTER IV.—OF ORAL EVIDENCE.

SECTION.
59. Proof of facts by oral evidence.
60. Oral evidence must be direct.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. Proof of contents of documents.
62. Primary evidence.
63. Secondary evidence.
64. Proof of documents by primary evidence.
65. Cases in which secondary evidence relating to documents may be given.
66. Rules as to notice to produce.
67. Proof of signature and hand-writing of person alleged to have signed or written document produced.
68. Proof of execution of document required by law to be attested.
69. Proof where no attesting witness found.
70. Admission by party of execution.
71. Proof when attesting witness denies the execution.
72. Proof of document not required by law to be attested.
73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

74. Public documents.
75. Private documents.
76. Certified copies of public documents.
77. Production of such copies.
78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS.

79. Presumption as to genuineness of certified copies.
80. Presumptions on production of record of evidence.
81. Presumption as to Gazettes.
82. Presumption as to documents admissible in England without proof of seal or signature.
83. Proof of maps made for purposes of any cause.
84. Presumption as to collections of laws and reports of decisions.
85. Presumption as to powers of attorney.
86. Presumption as to certified copies of foreign judicial records.
87. Presumption as to books and maps.
88. Presumption as to photographs, machine copies, and telegraphic messages.
89. Presumption as to due execution, &c., of documents not produced.
90. Documents thirty years old.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. Evidence of terms of written contract.
92. Exclusion of evidence of oral agreement.
93. Exclusion of evidence to explain or amend ambiguous document.
94. Exclusion of evidence against application of document to existing facts.
95. Evidence as to document unmeaning in reference to existing facts.
96. Evidence as to application of language which can apply to one only of several persons.
97. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.
98. Evidence as to meaning of illegible characters, &c.

SECTION.

99. Who may give evidence as to matter to which document relates.
100. Saving of provisions of Indian Succession Act relating to wills.

Part III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Burden of proof.
102. General burden of proof.
103. Burden of proof as to particular fact.
104. Burden of proving fact to be proved to make evidence admissible.
105. Burden of establishing general exceptions.
106. Burden of proving fact especially within knowledge.
107. Burden of proof as to continuance of life.
108. Burden of proof as to death.
109. Burden of proof as to partnership, tenancy, and agency.
110. Burden of proof as to ownership.
111. Proof of good faith in transactions where one party is in relation of active confidence.
112. Birth during marriage, conclusive proof of legitimacy.
113. Proof of cession of territory.
114. Court may presume existence of certain facts.

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.
116. Estoppel of tenant.
117. Estoppel of acceptor of bill of exchange, bailee, or license.

CHAPTER IX.—OF WITNESSES.

118. Who may testify.
119. Dumb witnesses.
120. Married persons in civil and criminal proceedings.
121. Judges and Magistrates.
122. Communications during marriage.
123. Evidence as to affairs of State.
124. Official communications.
125. Information as to commission of offences.
126. Professional communications.
127. Section 126 to apply to interpreters, &c.
128. Waiver of privilege if party volunteers evidence.
129. Confidential communication with legal advisers
130. Production of witness' title-deeds.
131. Production of documents belonging to another person.
132. Witness bound to answer criminating questions.
Proviso.
133. Accomplice.
134. Number of witness.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witnesses.
136. Judge to decide as to relevancy of facts.
137. Examination-in-chief.
Cross-examination.
Re-examination.

SECTION.
138. Order of examinations. Direction of re-examination.
139. Cross-examination of person called to produce a document.
140. Witnesses to character.
141. Leading questions.
142. When they must not be asked.
143. When they may be asked.
144. Evidence as to matters in writing.
145. Cross-examination as to previous statements in writing.
146. Questions lawful in cross-examination.
147. When witness to be compelled to answer.
148. Court to decide when question shall be asked and when witness compelled to answer.
149. Questions not to be asked without reasonable grounds.
150. Procedure of Court in case of question being without reasonable grounds.
151. Indecent and scandalous questions.
152. Questions intended to insult or annoy.
153. Exclusion of evidence to contradict answers to questions testing veracity.
154. Cross-examination by party producing witness.
155. Impeaching credit of witness.
156. Corroborative facts are relevant.
157. Evidence in reply to evidence of former inconsistent statements.
158. Refreshing memory.
Court may permit a copy of document to be used to refresh memory.
159. Testimony to facts stated in document mentioned in section 158.
160. Producing writing used to refresh memory.
161. Production of documents.
Translation of documents.
162. Giving as evidence of document called for and produced on notice.
163. Giving as evidence of document production of which was refused on notice.
164. Judge's power to put questions or order production.
165. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.
166. No new trial for rejection or improper reception of evidence.

SCHEDULE.

THE INDIAN EVIDENCE BILL.

[As amended by the Select Committee.]

Preamble.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Indian Evidence Act, 1872."

Extent.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

Commencement of Act.

and it shall come into force on the first day of September 1872.

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India.

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

Interpretation-clause.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court."

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition, of which any person is conscious.

Illustrations.

(*a.*) That there are certain objects arranged in a certain order in a certain place, is a fact.
(*b.*) That a man heard or saw something is a fact.
(*c.*) That a man said certain words is a fact.
(*d.*) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, is or was at a specified time conscious of a particular sensation, is a fact.
(*e.*) That a man has a certain reputation is a fact.

'Relevant.'

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.
At his trial the following facts may be in issue:—
That A caused B's death.
That A intended to cause B's death.
That A had received grave and sudden provocation from B.
That A at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

"Document."

Illustrations.

A writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

"Evidence."

"Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

"Proved."

Explanation.—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

"Disproved."

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

"Not proved."

A fact is said not to be proved when it is neither proved nor disproved.

"May presume."

4. Whenever it is directed by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it in the first instance.

"Shall presume."

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

"Conclusive proof."

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

Evidence may be given of facts in issue and relevant facts.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

Illustration.

(*a.*) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(*b.*) A suitor does not bring with him and have in readiness for production at the first hearing of the case a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Facts forming part of same transaction.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.

Illustrations.

(*a.*) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transaction, is a relevant fact.

(*b.*) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d.*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are occasion, cause, or effect of facts in issue.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction are relevant.

Illustrations.

(*a.*) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b.*) The question is, whether A murdered B.

Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(*c*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison are relevant facts.

Motive, preparation and subsequent conduct.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(*c.*) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d.*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away; are relevant.

(*g.* The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h.*) The question is whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as an admission under section 26, or

as a dying declaration under section 32. (1), or

as corroborative evidence under section 161.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant as

an admission under section 21, or

as a dying declaration under section 32 (1), or

as corroborative evidence under section 156.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person, whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—'A says you are to hide this' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in furtherance of common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any relevant fact highly probable or improbable.

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages, evidence may be given of facts tending to determine amount.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

Facts relevant when right or custom is in question.

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is relevant.

Facts showing existence of state of mind, or of body or bodily feeling.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(*c.*) A sues B for damage done to a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d.*) The question, is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e.*) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(*f*) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

(*g.*) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h.*) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i.*) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j.*) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.

(*k.*) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(*l.*) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m*) The question is, what was the state of A's health at the time when an assurance of his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n*) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o.*) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(*p.*) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Act forming part of series of occurrences.

Illustrations.

(*a.*) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(*b.*) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c.*) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business according to which it naturally would have been done is a relevant fact.

Illustrations.

(*a.*) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b.*) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, oral or documentary, which suggests any inference as to any relevant fact, and which is made by any of the persons hereinafter mentioned.

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suits sued in a representative character are not admissions, unless they were made while the party making them held that character.

Admissions by parties interested in subject-matter.

18. Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Illustration.

The question is whether a horse sold by A to B is sound

A says to B 'Go and ask C, C knows all about it' C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who denies the inference which they suggest; but they cannot be proved by the person who makes them or by his representative in interest, except in the following cases :—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any relevant state of mind or body made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is forged, and B may prove a statement by A that the deed is genuine ; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the Captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(*c.*) A is accused of a crime committed by him at Calcutta.

He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because if A were dead it would be admissible under section 32 (2).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases, no admission is relevant if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

24. An admission made by an accused person is irrelevant in a criminal proceeding if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Admission of crime caused by inducement, threat or promise irrelevant.

25. No admission of guilt made to a Police officer, shall be used as evidence against a person accused of any offence.

Confession made to a Police officer shall not be used as evidence.

26. No admission of guilt made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

Confession made while the accused is in custody of the Police shall not be used as evidence.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.

28. If such an admission as is referred to in section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

Admission made after removal of impression caused by inducement, threat or promise relevant.

29. If such an admission is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Admission otherwise relevant not irrelevant on certain grounds.

30. When more persons than one are being tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved, the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

Consideration of proved admission affecting person making it and others jointly under trial for same offence.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C," the Court may consider the effect of this admission as against B

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

When admissions are conclusive proof.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases :—

When statement by person who is dead or cannot be found, &c., is relevant.

(1.) When the statement is made by a person, since dead, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Statement as to cause of death.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consisted of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty ; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind ; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

Statements in course of business.

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

Statements against interest.

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

Matters of general interest.

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

As to relationship.

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

Recitals as to relationship in deeds.

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen clause *(a)*.

Statements in deeds

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(*a*.) The question is, whether A was murdered by B.

A dies of injuries received in a transaction in the course of which she was ravished The question is whether she was ravished by B.

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death referring respectively to the murder, the rape, and the actionable wrong under consideration are relevant facts.

(*b*.) The question is the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c*.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d*.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e*.) The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(*f*.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g*.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h*.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i*.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j*.) The question is, what was the price of grain on a certain day in a particular market A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact

(*k*) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l*) The question is, what was the date of the birth of A

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

(*m*.) The question is, whether, and when, A and B were married

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact

(*n*.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving the truth of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Evidence in a former judicial proceeding when relevant.

Provided that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section; and an enquiry before a Magistrate shall be deemed to be an earlier stage of a judicial proceeding, of which the trial before the Magistrate or the Court of Session are a later stage.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Entries in books of account.

Example.—A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The account books are relevant, but are not sufficient without other evidence to prove the debt.

35. An entry in any public or other official book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Entry in public record, made in performance of duty enjoined by law when relevant.

36. Statements of relevant facts made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Maps and plans when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain

Statements in law-books.

any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

39. Where any statement of which evidence is given forms part of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statements, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which, under any provision of the Codes of Civil or Criminal Procedure, prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character to which it declares any such person to be entitled accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgments, order or decree between third parties when irrelevant and when not

42. Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in the three last preceding sections, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant on some other ground.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

Illustrations.

(*a*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show the unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

Facts bearing upon opinions of experts.

46. Facts not otherwise relevant are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a*) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C or D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c, when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion expressed by conduct as to the existence of such relationship of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions for adultery or polygamy under the Indian Penal Code.

Illustrations.

(a.) The question is whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED

No evidence required of relevant fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal

Acts directed by such Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

Explanation.—The word 'Parliament' in (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, England, Scotland and Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice. The seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is noticed in the *Gazette of India*, or in the official Gazette of any Local Government

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The seals of Courts of Admiralty and Maritime Jurisdiction and of notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(10.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette:

(11.) The territories under the dominion of the British Crown:

(12.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons;

(13.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates attornies, proctors, vakíls, pleaders and other persons authorized by law to appear or act before it:

(14.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which they agree to admit before the hearing, by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents as hereinafter provided for, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.— Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the

accuracy of the copy, and copies compared with such copies.

(3.) Copies compared with the original.

(4.) Counterparts of documents as against the parties who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a.*) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b.*) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c.*) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d.*) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—

(*a.*) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(*b.*) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(*c.*) When the original is of such a nature as not to be easily moveable.

(*d.*) When the original is a public document within the meaning of section 74.

(*e.*) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(*f.*) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*b*) and (*c*), any secondary evidence of the contents of the document is admissible.

In cases (*d*) or (*e*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*f*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section 65 (*a*) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—

(1.) When the secondary evidence proposed to be given is a duplicate original, or a counterpart executed by the adverse party.

(2.) When the document to be proved is itself a notice.

(3.) When from the nature of the case, the adverse party must know that he will be required to produce it.

(4.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.

(5.) When the adverse party or his agent has the original in Court.

(6.) When the adverse party or his agent has admitted the loss of the document.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission by party of execution.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved

to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents :—

1. Documents forming the Acts, or records of the Acts—

(1) of the sovereign authority,

(2) of official bodies and tribunals, and

(3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows :—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be certified by any officer in British India or in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine: Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer by whom any such paper purports to be signed or certified held, when he signed it, the official character which he claims in such paper.

Presumptions on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, or to be a statement or connection by any prisoner or accused person in accordance with law the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true and that such evidence was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed

by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to documents admissible in England without proof of seal or signature.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made for purposes of any cause.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

Presumption as to collections of laws and reports of decisions.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

Presumption as to powers of attorney.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to certified copies of foreign judicial records.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to books and maps.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to photographs, machine copies and telegraphic messages.

88. The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to due execution, &c., of documents not produced.

89. The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

Documents thirty years old.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies to section 81.

Illustrations.

(*a.*) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b.*) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c.*) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

Evidence of terms of written contract.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to

in this section, shall not preclude the admission of oral evidence of the same fact.

Illustrations.

(*a.*) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b.*) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c.*) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d.*) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e.*) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment

The evidence is admissible.

Exclusion of evidence of oral agreement.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a*). A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b*). A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c*). An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d*). A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved

(*e*). A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(*f*). A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g*). A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs 500.' B may prove the verbal warranty.

(*h*). A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i*). A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(*j*). A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a.*) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500'

Evidence cannot be given to show which price was to be given.

(*b.*) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

(*a.*) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b*) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my models.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence as to matter to which document relates.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the term of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865,) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

General burden of proof.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations.

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond, the execution is not proved.

The execution of the bond is not disputed, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.

(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

Burden of establishing general exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control

The burden of proof is on A.

(*c.*) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing hurt under section 325.

The burthen of proving the circumstances, bringing the case under section 335, lies on the prisoner.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustration.

(*a*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(*b.*) A is charged with travelling in a railway without a ticket, the burden of proving that he has a ticket is on him.

Burden of proof as to continuance of life.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to death.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Burden of proof as to ownership.

111. Where there is a question as to the good faith of a transaction between parties of whom one stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Proof of good faith in transactions where one party is in relation of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Birth during marriage, conclusive proof of legitimacy.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Proof of cession of territory.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Court may presume existence of certain facts.

Illustrations.

The Court may presume—

(*a.*) A man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(*b.*) An accomplice is unworthy of credit, unless he is corroborated in material particulars.

(*c.*) A bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(*d.*) A thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(*e.*) That judicial and official acts have been regularly performed.

(*f.*) That the common course of business has been followed in particular cases.

(*g.*) Evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it.

(*h.*) If a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him.

(*i.*) When a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (*f*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Estoppel.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property, and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of tenant.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

Who may testify.

118. All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness, who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate, but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a*) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of the Court of Session.

(*b*). A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the Court of Session.

(*c*). A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(*a*.) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b*.) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c*.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of the proceedings.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, &c.

127. The provisions of section 126 shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakíls.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in the last section, and if any party to a suit or proceeding calls any such barrister, attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Waiver of privilege if party volunteers evidence.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given but no others.

Confidential communication with legal advisers.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of witness' title-deeds.

131. No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Production of documents belonging to another person.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Witness bound to answer criminating questions.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Proviso.

133. An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Accomplice.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

Number of witness.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Order of production and examination of witnesses.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

Judge to decide as to relevancy of facts.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a.*) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-eight.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b.*) It is proposed to prove by a copy the contents of a document said to be lost.

The facts that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c.*) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d.*) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Examination-in-chief.

The examination of the witness by the adverse party shall be called his cross-examination.

Cross-examination.

The examination, subsequent to the cross-examination by the party who called the witness, shall be called his re-examination.

Re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

Order of examinations. Direction of re-examination.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination, and if new matter is introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading questions.

141. Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, but not before the witness is cross-examined as to his statements, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend (1) to test his veracity, (2) to discover who he is and what is his position in life, or (3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

Illustrations.

(*a.*) An important witness in a case of murder is asked whether he is not himself a dacoit. The question is proper.

(*b*) A female witness, called in a civil suit for five rupees to corroborate another person as to the delivery of goods, is asked whether, twenty years before, she had an illegitimate child. The question is improper.

(*c.*) A witness, called to prove the service of a notice in a Small Cause Court suit for five rupees, is asked whether he has committed murder. The question is improper.

(*d.*) If, in illustrations (*a*) and (*b*), the witness refused to say whether he was a dacoit or not, the Court should consider whether the refusal to answer was a sufficient admission, or whether the circumstances of the case render it desirable, that the witness should be compelled to answer.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any questions which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to test his veracity or credibility, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a*.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b*.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c*.) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d*) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Cross-examination by party producing witness.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court, by the party who calls him :—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a*.) A sues B for the price of goods sold and delivered to B

C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b*.) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Corroborative facts are relevant.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances if proved would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

Evidence in reply to evidence of former inconsistent statements

158. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

Refreshing memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

Court may permit a copy of document to be used to refresh memory.

An expert may refresh his memory by reference to professional treaties.

159. A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Testimony to facts stated in document mentioned in section 158.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

160. Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

Producing writing used to refresh memory.

161. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

Production of documents.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence, and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Translation of documents.

162. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document called for and produced on notice.

163. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards give the document as evidence without the consent of the other party or the order of the Court.

Giving as evidence of document production of which was refused on notice.

Illustration.

A sues B on an agreement and gives B notice to produce it. At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

164. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Judge's power to put questions or order production.

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which he would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131 if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

165. The jury or assessors may put any questions to the witnesses through or by leave of the Judge which the Judge himself might put and which he considers proper.

Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

166. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that if the rejected evidence had been received, it ought not to have varied the decision.

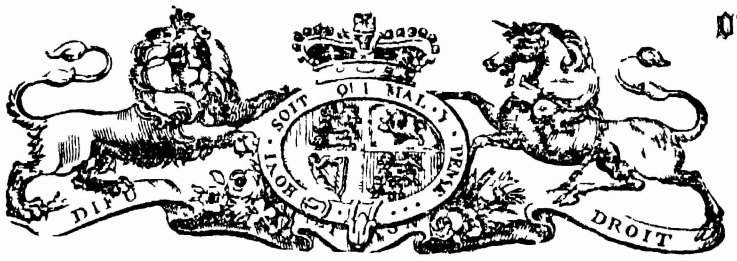
No new trial for rejection or improper reception of evidence.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.
Stat. 26 Geo. III, C. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.	Stat. 14 & 15 Vic.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
			Act V of 1840 ...	An Act concerning the oaths and declarations of Hindoos and Mahomedans.	The whole Act.
			Act XV of 1852	To amend the Law of Evidence.	The whole Act.
			Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
			Act II of 1855 ...	For the further improvement of the Law of Evidence.	The whole Act.
			Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
			Act I of 1868 ...	The General Clauses Act, 1868.	Section seven.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 5 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 3, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, of which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

EQUIVALENTS OF METRICAL WEIGHTS AND MEASURES.

I have received from Mr Chisholm, the Warden of the Standards, the following figures as those that are finally adopted by the Standards' Commission

The metre is the length of the French standard at temperature 32° Fahrenheit.

The yard is the length of the English standard at temperature 62° Fahrenheit.

The metre, when compared to the yard, both having a temperature of 32° Fahrenheit, is 39 37079 inches. The metre at 32° Fahrenheit, compared with the yard at 62° Fahrenheit, is 39·382 inches and this is the correct equivalent for use. This modification of the usually accepted figures leads to the following changes :—

		Old Equivalent.		*New Equivalent.*	
1 Kilometre	=	0·621382	Mile.	0 62156	Mile.
1 Metre	=	1 093633	Yards.	1·09394	Yards.
		3 280899	Feet.	3 28183	Feet
		39 370790	Inches.	39 38200	Inches.
1 Mile	=	1609 315	Metres.	1608·850	Metres.
1 Yard	=	0 91438	Metre	0 91412	Metre.
1 Foot	=	0 30479	"	0 30470	"
1 Inch	=	0 02539954	"	0 2539231	"
1 Square Decimetre	=	15 50059	Square Inches.	15 50942	Square Inches.
		1·19603	" Yards.	1 19671	" Yards.
1 Square Metre	=	10 7643	" Feet.	10·77043	" Feet
1 Are	=	119 60332	" Yards.	119·67114	" Yards.
1 Hectare	=	2 47144	Acres.	2 47255	Acres.

		Old Equivalent.		New Equivalent.	
1 Square Inch	=	0·06451	Square Decimetre.	0·0644765	Square Decimetre.
1 Square Foot	=	0 092890	„ Metre.	0 0928461	„ Metre.
1 Square Yard	=	0·836097	„ „	0 83561	„ „
1 Acre	=	0·40467	Hectare.	0·40444	Hectare.
1 Square Mile	=	258·98944	Hectares.	258 8400	Hectares.
1 Cubic Metre	=	35·31658	Cubic Feet.	35 34675	Cubic Feet.
		1·30802	„ Yards.	1·30914	„ Yards.
1 Cubic Inch	=	16·38618	Cub. Centimetres.	16·37207	Cub. Centimetres.
1 Cubic Foot	=	28·315311	„ Decimetres.	28·29087	„ Decimetres.
1 Cubic Yard	=	0 76451	„ Metre.	0·76385	„ Metre.
1 Litre	=	0 22024	Gallon.	0·22018	Gallon.
1 Gallon	=	4·54041	Litres.	4·54173	Litres.

The kilogram remains unchanged, being 15432·34874 grains or 2·204621 lbs. avoirdupois, 1,000 kilograms equal 0·984206 ton.

One pound avoirdupois equals 0·45359265 kilogram.

One ton equals 1016·04754 kilograms.

R. STRACHEY.

INDIA OFFICE,
The 5th December.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

PUBLICATION OF OFFICIAL PRICE CURRENT ON A UNIFORM SYSTEM.

No. $\frac{1}{14-23}$.

Extract from the Proceedings of the Government of India in the Department of Agriculture, Revenue and Commerce, dated Fort William, the 18th January 1872.

[STATISTICS.]

READ the undermentioned correspondence regarding the proposed publication of official price-currents on a uniform system :—

Circular to Local Governments and Administrations and Bengal Chamber of Commerce, Nos. 281-90, dated the 17th January 1871.
Letter from Government of Bombay, No. 306, dated 28th January 1871.
„ Chief Commissioner, British Burmah, No. 62—2, dated 28th January 1871.
„ Chief Commissioner of the Central Provinces, No. 230—19, dated 7th February 1871.
„ Government of Punjab, No. 88, dated 20th February 1871.
„ Chief Commissioner of Oudh, No. 896, dated 20th February 1871.
„ Secretary, Bengal Chamber of Commerce, dated 25th February 1871.
„ Resident at Hyderabad, No. 94, dated 7th March 1871.
„ Government of Bengal, No. 884, dated 9th March 1871.
„ Chief Commissioner of Mysore, No. 6145—34G, dated 6th March 1871.
„ „ „ No. 68, dated 15th July 1871.
„ „ „ No. 2170—6, dated 1st August 1871.
„ Government of Madras, No. 1081, dated 17th June 1871.
„ „ „ No. 67, dated 15th July 1871.
„ „ „ No. 1332, dated 4th August 1871.
Endorsement from Financial Department, No. 3501, dated 13th September 1871.

RESOLUTION.

In considering the advantages of a uniform method of publishing the market prices of grains, the form of price current adopted in the *North-*

Western Provinces Gazette recommended itself to the Governor General in Council as the most complete and convenient that had been devised, and it was accordingly circulated to Local Governments and Administrations for their opinion on its fitness for universal adoption and any suggestions for its improvement which might present themselves. This form shewed the prices of the grains marginally noted by the number of sers of 80 tolahs purchasable for a rupee; and for purposes of comparison, it shewed, side by side with the current prices, those of the preceding week and of the corresponding week of the previous year.

(1.) Wheat.
(2.) Barley.
(3.) Rice.
(4.) Bajra.
(5.) Jowar.
(6.) Rice (common).
(7.) Gram.

2. The specimen form has been generally approved; but a few useful amendments have been proposed, and a revised form is now circulated for information and guidance.

The changes made are briefly the following:—

3. (*a*)—On the suggestion of the Financial Commissioner of the Punjab, the general heading has been altered to—"prices current of food grains;" the groups of columns belonging to the two kinds of rice have been brought into juxtaposition, and their headings slightly modified. In provinces where the entry of one sort of rice is considered sufficient, the columns for the best sort should be left blank.

(*b*)—To meet the circumstances of the south of India, columns have been added for ragi, cholum, cumboo and veragoo, and a group of columns for salt has been inserted, and will be obligatory for all provinces. The Board of Revenue, Madras, would also have columns for two sorts of "paddy." The Governor General in Council will not, however, prescribe this addition, but it will be open to any Government to add such entries should it see fit. The proposal to include the prices current of cotton and indigo does not commend itself to the Government of India. The returns under this head are doubtless valuable, but they should be published separately. As suggested by the Government of Bengal, a column for "remarks" has been added.

(*c*)—The standard ser, as defined in Act XXXI of 1871, has been substituted for the ser of 80 tolahs as the weight to which prices are referred. The Madras Government has urged the retention of the measure standard. But the main object of change being to obtain uniformity, the Governor General in Council considers the proposal inadmissible, and believes that there will be no real difficulty in exhibiting price according to the weight standard now prescribed. A careful formula of reduction should be prepared for each district, and for each species of food entered in the table. This being once done, the labor involved in the actual working out of the reductions is infinitesimal.

4. A few general instructions need to be added—

(1.)—The form, as its heading implies, should, if possible, be weekly. The Governor General in Council trusts that the obstacles to this course in the Madras Presidency and Mysore may not be found insuperable.

(2.)—The fractions of the ser should be shown decimally, but only to one place of decimals.

(3.)—The statement should not be encumbered with arrear statistics. If the return for any district is received too late for insertion, it should be omitted altogether. But the Governor General in Council hopes that such omissions will be rare.

(4.)—The statement for each province should be published in the local Gazette. But separate copies should be forwarded to the Government of India as soon as prepared.

(5.)—It will be open to each Local Government or Administration to insert additional triple groups of columns for other kinds of food which may appear to require special notice, or to omit the groups of columns pertaining to kinds of food which do not enter into the dietary of the people of the province.

5. In prescribing the accompanying form, the Governor General in Council expresses a hope that every effort will be made both by local Governments and Administrations, and by district officers and others charged with the preparation of the original tables, to make them a really valuable and accurate record of the current prices of food. To this end it is necessary, *first*, that the statistics in their original form should be exact; and *secondly*, that they should be correctly reduced. Special attention should be directed to both points.

ORDER.—Ordered, that a copy of the above Resolution, together with the prescribed form, be forwarded to the Local Governments and Administrations noted in the margin, for information and guidance, and that a copy also be published in the *Supplement to the Gazette of India*.

Madras.	Oudh.
Bombay.	Central Provinces.
Bengal.	British Burmah.
N. W. Provinces.	Mysore and Coorg.
Punjab.	Hyderabad.

(True Extract.)

(Sd.) J. GEOGHEGAN,

Offg. Secy. to the Govt. of India.

Prices Current of food grains in the several Districts of _____ *during the week ending* _____ 187 .

| District No | Districts | QUANTITIES PER RUPEE BY THE STANDARD SER AS DEFINED IN ACT XXXI, 1871 | | |

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FUSL RUBBEE IN THE PUNJAB UP TO 30TH NOVEMBER 1871.

Canal Division.	Water distributed during November. Depth in Canal of Regulating Gauge. Full Supply.	Actual throughout November	Gross Consumption C. Ft. per Second. Estimated Full Supply.	Actual average throughout November.	Navigation return canal. Principal Items of Traffic. Up.	Down.	Land irrigated (approximate). Zillah.	Acres.	Rain-fall. Average.	During month.	Chief crops (approximate). Name.	Area in Acres.	Remarks.
Bari Doab Canal. 1st Division ...	4·90	3·47	3073·6	1023·88	*Nil*	*Nil*	Goordaspoor	9,590	*Nil*	*Nil*	Wheat .	56,411	In consequence of there being no rain, the demand for water has been very great. The area irrigated shows an increase of 17,093 acres over the corresponding period of last year.
2d Divn. Main Branch, Lower	4·60	3·30		955·97			Umritsur ...	32,042	...	...	Barley ...	2,339	
2d Divn. Lahore Branch ...	3·30	3·10		707·78			Lahore ...	31,309	*Nil*	*Nil*	Grain ..	776	
											Mixed grains	5,654	
											Others ..	7,761	
Total B. D. Canal ..	...	...	3073 6	2687·63	...	...	...	72,941	*Nil*	*Nil*	...	7,294	
Corresponding period of last year ...	...	...	3073·6	2306·12	...	...	...	55,848	*Nil*	*Nil*	...	55,848	
Western Jumna Canals. Kurnaul Division ...	4 33	4·40	2546·00	456 28	*Nil*	50,157 Kurries, Bullies, Logs, &c., and 26,000 maunds of timber.	Umballa ...	316	0 05	*Nil*	Wheat	1,15,834	The increase of area irrigated over the period corresponding of last year, *viz.*, 26,221 acres approximately, is due to deficiency in rainfall.
Delhi " ..	4·40	4·45		827 03			Kurnaul ...	34,080	0 03	"	Barley	1,601	
Hansi " ...	8·80	8·8		1003·00			Delhi ...	31,894	*Nil*	"	Mixed grains	9,527	
" Bulla Head ...	8 40	8·8		295·00			Rohtuck ...	21,702	"	"	Others ...	2,786	
							Hissar ...	26,650	"	"			
							Jheend ..	15,106	"	"			
							Bikaneer ...	.	"	"			
Total W. J. Canals ...	...	...	2546·00	2581·31	...	50,157	. .	1,29,748	*Nil*	*Nil*	...	1,29,748	
Corresponding period of last year ...	...	...	2546·00	2276·45	...	5,778	...	1,03,527	*Nil*	*Nil*	...	1,03,527	
Inundation Canals. Upper Sutlej Division ...	...	...	...	...	...	...	Lahore ...	3,000	*Nil*	*Nil*	Details not obtainable for want of establishment.	...	Deficiency in area irrigated on Inundation Canals is due to the early cessation of rains.
Lower Sutlej and Chenab		...	...	...	...	...	Montgomery	25,000	"	"		...	
Indus Canals ...	...	...	...	...	...	...	Mooltan ...	*Nil*	"	"		...	
							Dera Ghazee Khan .	*Nil*	"	"			
Total Inundation Canals ...	...	...	..	...	-		...	28,000	...		...	28,000	
Corresponding period of last year ...	...	...	...	...	...	...	...	50,815	...	...	...	50,815	Comparing the whole area irrigated by perennial canals with that of the same date of last year, the increase is 43,314 acres approximately.
Delhi and Goorgaon Works ...	...	...	...	...	...	...	...	*Nil*	.	...	...	*Nil*	
Total Delhi and Goorgaon Works ...	...	...	...	..	...	...	...	*Nil*	.	...	...	*Nil*	
Corresponding period of last year ...	...	...	...		...	...	...	7,264	.	...	...	7,264	
Perennial Canals—Grand Total ...	...	...	...	...	...	50,157	...	2,02,689	...	...	...	2,02,689	
Ditto—Corresponding period of last year ...	...	...	...	...	...	57,778	...	1,59,375	...	...	...	1,59,375	

Lahore,
January 1872.

W. BROADFOOT, *Lieut., R.E.,*
Asst. Secy. to Govt., Punjab, P. W. D., Frign. Branch.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—If we trisect the Continent of India by east and west lines, running—one through the great central mountain ranges above Nagpore, and the other through the high table-land between the Godavery and the Kistna rivers,—we shall find each of the three divisions presenting a uniform and distinct phase in the subjoined returns.

In the northernmost, including the Punjab, N. W. Provinces, Oudh, and the greater part of Bengal, the weather has been damp or showery, and the spring-crops generally give fair promise, though in places, especially in Oudh and the N. W. Provinces, they have been injured by rain, hail or blight. To the extreme east the weather has been drier, and the prospects are uniformly good.

In the central division, which comprises a portion of the Central Provinces, the Berars, parts of Chota Nagpore and Cuttack, and the two northern districts of the Madras Presidency, there continues a marked, though not as yet severe, drought, felt most, apparently, in the districts of Ganjam and Vizagapatam.

In the southern division, that is, in Mysore and the remaining districts of the Madras Presidency, the weather has been dry, and the agricultural prospects are almost universally favourable.

No report has been received from Bombay and Rajpootana.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS ...	Ganjam ..	January 31 ...	*Nil*	February 1 ...	Water-supply diminishing; well sinking in progress; market well supplied; grain imports large; prices high, but not rising; health good.	In the Northern Circars the effects of drought are more marked as the season advances. The markets are well supplied by imports. Relief works have been started in Ganjam. Elsewhere prospects are fairly good.
	Vizagapatam ...	" 31 ...	*Nil*	" ...	Drinking water diminishing; market well supplied; prices unchanged; health good.	
	Godavery ...	" 29 ...	*Nil*	" ...	Market well supplied; prices steady; health good.	
	Kistna ...	" 31 ...	*Nil*	" ...	Markets well supplied; prices steady; harvest fair; prospects fair.	
	Kurnool ...	" 31 ...	*Nil*	" ...	Markets well supplied; prices steady; crops fair; health good.	
	Negapatam ...	" 31 ...	1·25	" ...	Prices falling; prospects good.	
	Trichinopoly ...	" 31 ...	*Nil*	" ...	Prices steady; crops fair; harvest below average.	
	Calicut ...	" 30 ...	*Nil*	" ...	Prices low and steady; harvest fair; prospects good; health good.	

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
BENGAL ...	Bhaugulpore Division—					
	Monghyr ...	.....	1·1	January 31 .	Weather seasonable; crops very good; rain very beneficial.	
	Bhaugulpore ...	.....	·1			
	Sonthal Pergunnahs ...	.....	...	„ ...	Light showers in Rajmehal and Godda; mustard being reaped; cold weather crops want more rain.	
	Patna Division—					
	Patna ...	.....	1·3			
	Sarun ...	.....	1·5			
	Shahabad ...	.....	1·6			
	Tirhoot .	.....	1·6	„ ...	Spring crops in Tirhoot, Gya and Chumparun are promising; in the other districts slightly injured by rain; dense fogs threaten to produce blight in them.	
	Chumparun ...	.....	Slight			
	Gya ...	.....	„			
	Rajshahye Division ...	.....	...	„	Light showers in Dinagepore and Malda; crops good everywhere.	
	Burdwan Division ...	.....	...	„ ...	Weather fair and cool; prospects of winter crops favorable; in Bancoorah they are not doing well for want of rain.	
	Presidency Division ...	.....	...	„ ...	Weather seasonable; crops good, except in Nuddea, where they are not good.	
	Dacca Division ...	.....	*Nil*	„ ...	Crops good.	
	Chittagong Division ..	.....	...	„ ...	Weather fair; crops good; in Chittagong out-turn unusually good.	
	Cuttack Division ...	.....	*Nil*	„ ...	Cold weather crops good, except in Pooree, where they are suffering from want of rain.	
	Chota Nagpore Division...	.....	..	„ ..	Weather fine; crops good; in Maunbhoom, suffering from want of rain.	
	Assam Division .	.....	...	„ ..	Weather dry and cold; most crops gathered; out-turn good.	
	Cooch Behar Division ...	.....	...	„ ..	Some rain at Julpigoree and Darjeeling; crops good; mostly reaped.	
N. W. PROVINCES ...	Allahabad ...	.....	1·	February 1 ...	Spring crops excellent.	
	Benares ...	.....	1·4	„	No serious damage; wheat and barley mildewed in some low-lying lands.	
	Meerut ..	.....	2 4	„ ..	Prospects good; hail fell in Haupper Tehseel, and did much local damage.	
	Agra ...	.....	1·	„ ..	Rape crop injured by fog and storms; wheat and gram not much damaged.	
	Bareilly ...	.....	1·1	„ ...	No harm done as yet.	

PUNJAB ...	Delhi ...	...	0 6	February 1 ..	Weather cloudy; state of crops good.	Rain fell pretty generally during past fortnight, agricultural prospects good.
	Umballa ...	...	0 2	" .	Agricultural prospects good.	
	Jullundhur ...	...	0 1	" ...	Rain highly beneficial to crops.	
	Lahore ...	...	0 2	" ...	State of crops good; hail on 29th, but no damage reported.	
	Mooltan ...	...	*Nil*	" ...	Crops as reported before.	
	Rawul Pindee ...	...	2·	"	Agricultural prospects excellent.	
	Peshawur ...	...	0 7	" ..	Agricultural prospects good.	
OUDH	... .	..	...	February 1	The rain has proved unfavorable to the rubbee, and considerable damage is to be feared; gram and mustard crops have been injured in some places by insects.	
CENTRAL PROVINCES ..	Raipore ...	January 27 ...	*Nil*	February 1 ..	Rubbee crops have suffered in parts from want of rain. The late dews have done good, and prospects on the whole better than heretofore.	
	Belaspore ...	" .	*Nil*	" ...	Crops progressing favorably, except *Alsi* somewhat injured by cloudy weather.	
	Sumbulpore ...	" ..	*Nil*	" ...	Prospects unchanged	
	Jubbulpore .	January 31 ...	27	" ..	Prospects of rubbee good throughout division. In Saugor pulse crop slightly suffered from excessive frost	
	Hoshungabad ...	" .	*Nil*	" .	No rain, and prospects consequently not so good as before. Baitool same, not favorable Less area sown. Blight on wheat has appeared	
	Nursingpore ...	. ...	...	" ...	Rubbee in two Tehseels particularly promising; in third not so good.	
	Nagpore ...	January 31 ...	*Nil*	" ...	Khurreef all cut. Rubbee crops have suffered from occasional cloudy weather; wheat not so promising as last year Prices stationary In Wurdah no rain. Prospects of crops moderately fair.	
HYDERABAD ASSIGNED DISTRICTS	East Berar ...	.....	...	February 1 .	No improvement since last report. Rubbee crops still in backward condition. Partial failure in some parts of the division anticipated. Rain urgently required.	
	West Berar ...	January 30 ..	. .	"	No improvement in the prospect of spring harvest. In many parts a total failure of crops	Weather cloudy and warm; a change in the season now would do no good to the crops. It would improve the water-supply which is fast failing, and with the scarcity of fodder is causing serious distress and an increase of cattle sickness.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration
CENTRAL INDIA ...	Indore ...	January 31 ...		February 1 ..	No change since last report.	
	Gwalior ...	" ...	·32	"		
	Baghelkund ..	" ..	1 3 at Sutna.	"	Crops generally promising; slight fall of hail on 24th.	
BRITISH BURMAH ..	.....	.. ...		February 1 ..	Rice crops reaped.	
MYSORE	Bangalore ...	February 1 ..	*Nil*	February 1 ...	Most of the crops have been harvested; their condition is favorable	Agricultural prospects continue favorable.
	Mysore .	January 30 ...	*Nil*	" ...	Most of the crops harvested; cotton, sugar-cane, &c, thriving	
	Coorg ...	" 31 ...	*Nil*	" .	Paddy being threshed; dry crops thriving Bengal gram being reaped. Picking and despatching of coffee still continued.	

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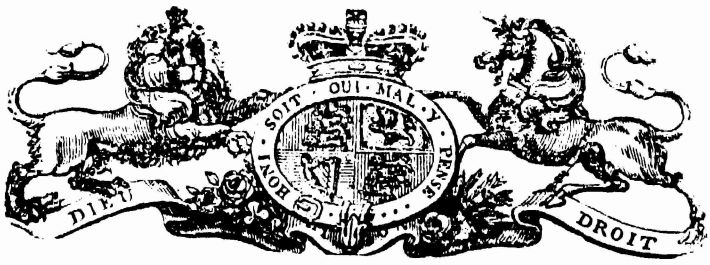
No. 6 of 1872.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 10, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations .....141—153

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .....45—51

PART III.—Advertisements and Notices by private Individuals and Corporations .....37—47

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—

Not printed this week.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—

Preliminary Report, Criminal Procedure Bill...61—63
Second Report of Select Committee on Indian Evidence Bill.....64—65
The Indian Evidence Bill.....66—89

SUPPLEMENT, No. 6 .....131—138

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 6th February 1872.

No. 633.—Furlough for twenty months, under Sections II and III of the Covenanted Service Absentee Rules, with the usual subsidiary leave, is granted to the Hon'ble F. R. Cockerell, an Additional Member of the Council of the Governor General for making Laws and Regulations, with effect from 11th March next, or from the date on which he may avail himself of the same.

The 8th February 1872.

No. 662.—The Governor General in Council is pleased to declare the provisions of Act XXXI of 1860 *(An Act relating to the manufacture, importation, and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases)*, as modified by Act VI of 1866 *(The Arms' Act Continuance Act)*, to be in force throughout the Hyderabad Assigned Districts.

2. It is notified, for general information, that, with the exceptions below described, Act XXXI of 1860, as modified by Act VI of 1866, remains in force in Oudh, the Central Provinces, British Burmah, and Coorg.

3. The exceptions noted above are as follows :—

(a) under the provisions of Section 50, Act XXXI of 1860, His Excellency has been pleased to exempt the Province of British Burmah from the operation of Sections 41, 42, 43, and 53, and the District of Nimar, in the Central Provinces, from the operation of Section 26 of the said Act, respectively ;

(b) under the provisions of Clause 4 of Section 27, Act XXXI of 1860, as amended by Section 3, Act VI of 1866, His Excellency has been pleased to exempt, from the operations of Sections 25 and 26 of the former Act, the following classes of persons residing in the Province of Coorg :—

(1) Europeans, Americans, and Eurasians ;
(2) persons of the Coorg race ;
(3) persons of other races who hold lands on jumma tenure, and are, consequently, liable to be called on to perform police duties ; and
(4) members of the family of the late Chiefs of Coorg, permitted to reside in the Province, and their retainers ;

(c) under the provisions of the clauses and sections above cited, and of Clause 8, Section 32, Act XXXI of 1860, His Excellency has been pleased to exempt Europeans, Americans, Eurasians, Parsees, and Native Christians residing in the Province of Oudh from the operation of Sections 25, 26, and 32 of the last-named Act.

The 9th February 1872.

No. 696.—The Governor General in Council is pleased to permit Mr. E. S Pearson to resign Her Majesty's Bengal Civil Service from the 1st instant.

ECCLESIASTICAL.

The 6th February 1872.

No. 47.—The following list of Chaplains belonging to the Bengal Establishment, absent on furlough or special leave on the 31st December 1871, is published for general information :—

No.	Names	Rank	Date of commencement of furlough or special leave	Date of expiry of furlough or special leave
		Furlough.		
1	Revd M R Burge	Senior Chaplain	September 14, 1869	March 13, 1872.
2	„ J. Cave-Browne	„	February 1, 1870	July 31, „
3	„ J. Baly	„	March 19, „	May 18, „
4	„ W. Simpson	„	February 25, 1871	February 24, „
5	„ J A. Stamper	„	March 5, „	March 4 1873.
6	„ J K Stuart, M.A *	„	1871	1873.
7	„ C J Waterhouse ...	„	February 10, „	August 9, 1872
8	„ C S P. Parish	„	March 14, „	March 14, 1873
9	„ J P Boswell	Junior Chaplain	February 4, 1870	February 4, 1872
		Special Leave		
10	Revd F W Homer	Junior Chaplain	May 6, 1871	May 5, 1872

Total Absent	...	10
Sanctioned number of Chaplains in the Bengal Presidency		90
Percentage of Absentees		11 1

* Furlough for two years, date of embarkation not reported

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870 :—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of

an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions, even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1st.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

SURVEYS.

Fort William, the 6th February 1872.

No. 83.—The following arrangements are made in the Great Trigonometrical Survey of India, with effect from the 1st October 1871 :—

Major B. R. Branfill, officiating in the 2nd Grade of Deputy Superintendent, is permanently appointed to that grade.

Captain T. T. Carter, R. E., Deputy Superintendent, 3rd Grade, is appointed to be Deputy Superintendent, 2nd Grade.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

REVENUE.

Fort William, the 6th February 1872.

No. 41*R.*—His Excellency the Viceroy and Governor General in Council has learnt, with satisfaction, that the Jaghiredar of Tori Futtehpoor, in Bundelkund, has abolished all transit duties within his jaghire.

POLITICAL.

The 5th February 1872.

No. 338*P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Adolphe Aubert as Acting Vice-Consul for France at Rangoon.

GENERAL.

The 3rd February 1872.

No. 269*G.*—PROMOTIONS.—The following promotions have been sanctioned in the Mysore Commission :—

To be Assistant Superintendents of the 3rd Grade.

Mr. V. Krishnaswamy Moodeliar, Assistant Superintendent, 4th Grade, in the room of Captain deLousada.

Mr. C. Bala Krishnaiya, Assistant Superintendent, 4th Grade, in the room of Mr. Venkat Rao.

To be Assistant Superintendents of the 4th Grade.

Mr. B. Srinivas Jengar, Assistant Superintendent, 5th Grade, in the room of Mr. V. Krishnaswamy Moodeliar.

Mr. Mahomed Ali, Assistant Superintendent, 5th Grade, in the room of Mr. C. Bala Krishnaiya.

The 5th February 1872.

No. 280*G.*—LEAVE.—Lieutenant Colonel E. B. Ramsay, Madras Staff Corps, Military Assistant to the Chief Commissioner of Mysore, has obtained one month's subsidiary leave from the 16th January 1872, to enable him to proceed to Madras, with the view of obtaining leave to Europe on medical certificate.

The 8th February 1872.

No. 297*G.*—The grant of privilege leave of absence, in Notification in the Foreign Department, No. 2284G, dated 24th November 1871, to Lieutenant Colonel W. D. Dickson, Cantonment Magistrate and Small Cause Court Judge, Neemuch, is, at his own request, hereby cancelled.

No. 298*G.*—The services of Lieutenant A. P. Currie, 3rd Bombay Light Cavalry, appointed in Notification in the Foreign Department, No. 2358G, dated 5th December 1871, to officiate for Lieutenant Colonel Dickson, are replaced at the disposal of the Military Department.

H. LEPOER WYNNE,

for *Secretary to the Govt. of India.*

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 9th February 1872.

No. 896.—Mr. G. Fitzgerald returned from privilege leave on the afternoon of the 6th ultimo, and since then has been employed on special duty.

From the 7th ultimo, Mr. E. Rule ceased to officiate in the 2nd Class of the Financial Department, and Mr. W. Donald ceased to officiate in the 3rd Class and reverted to *his* officiating appointment in the 4th Class.

MINT AND CURRENCY.

No. 442, dated the 24th January 1872.

From—R. B. CHAPMAN, Esq., Secy. to the Govt. of India, FINANCIAL DEPT.,
To—The Comptroller General.

In reply to your endorsement No. 1097, dated the 7th December 1871, I am directed to state that your orders to the Accountant General, North-Western Provinces, No. 1096, dated 7th December 1871, are incorrect, the relaxation authorised in paragraph 5 of the Notification No. 451, dated 24th January 1871, having been expressly withdrawn by Resolution No. 4895, dated 3rd November last. Coin tendered to a treasury officer, which has lost more than two per cent. in weight from whatever cause, must invariably be cut and broken according to law, and the pieces returned to the tenderer. If there is no reason to suppose that the deficiency in weight is the result of any unfair practices, the pieces may be paid for, at the option of the tenderer, at the rate of one rupee a tola. In no case must any treasury officer knowingly allow a light coin once tendered to him to continue in circulation.

ORDERED, that the above, together with the Resolution No. 4895, dated 3rd November, be published in the *Gazette of India*.

Endorsement from the Comptroller General, No. 1097, dated 7th December 1871, and enclosures.

Copy (together with copy of the papers noted in the margin) forwarded to all Local Governments and Administrations, the Head Commissioner of Paper Currency, the Mint Master, Calcutta, and the several Accountants General and Deputy Accountants General in independent charge, in continuation of Financial Resolution No. 4445, dated 19th October 1871.

No. 4895, dated 3rd November 1871.

RESOLUTION—By the Government of India, FINANCIAL DEPT.

Read again—

Circular letter to all Local Governments and Administrations, No. 4121, dated 12th October 1870, regarding the enforcement of Section 16 of the Indian Coinage Act of 1870.

Notification of this Department, No. 451, dated 24th January 1871, containing rules for carrying out the provisions of Sections 16 and 28 of the Indian Coinage Act of 1870.

Read also the following correspondence on any necessity of relaxing the strict responsibility of a treasurer for loss from his receipt of coin which is defaced without having lost more than two per cent. in weight, or which was of doubtful legality from its appearing to have been reduced in weight otherwise than by reasonable wearing, *viz.*:—

From Head Commissioner of Paper Currency, No. 393, dated 6th September 1871.
From Mint Master, No. 477 of 8th September 1871.

RESOLUTION.—The Governor General in Council observes that, under Section XIII of the Coinage Act, defaced coin is not legal tender, and accordingly all coin which has been defaced, including that to which a piece of solder may have been attached, should be declined at a Government Treasury or a Paper Currency Office. The solder imparts to the coin a suspicious character, for it may conceal a drilling of the coin, though, in other cases, it is attached for the purpose of using the coin as an ornament.

2. Similarly, coin which has been artificially diminished (as by partial solution in acids), should be treated under Section XIII of the Coinage Act as not legal tender, and be dealt with as Section XVI and the rules in the notification dated 4th January 1871 may permit.

3. Coins which have lost more than two per cent. by fair wear and tear, should be cut or broken and paid for at the rate of one rupee per tolah, as, directed in paragraph 2 of Financial notification No. 451, dated 24th January 1871.

4. Weights for testing whether coins have lost more than the prescribed allowance in weight by wear and tear, should be supplied by the Mint Masters to all Treasuries and Paper Currency Offices; and the Mint Master, Calcutta, should be requested to submit a draft of the rules which he would propose for testing the scales and weights in use at Treasuries, since such test must become necessary in time, even when proper weights and adjusted scales may have been supplied in the first instance by the Mint.

The 9th February 1872.

No. 1107.—Surgeon H. E. Busteed is appointed to officiate temporarily as Assay Master of the Calcutta Mint.

Lieutenant Colonel J. F. Tennant made over charge of the office of Mint Master, Calcutta, to Surgeon Major J. F. Shekleton, and Dr. Shekleton made over charge of the office of Assay Master to Dr. Busteed, on the forenoon of the 2nd instant.

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 3rd February 1872.

No. 119 *of* 1872.—The following order issued by the Government of Bombay is confirmed :—

No. 40, *dated* 13*th January* 1872.—Under instructions from the Government of India, the Military Pay Office, Poona Circle, will be abolished from the 1st April 1872, inclusive. In anticipation of that measure, the following arrangements are ordered, subject to the approval of the Government of India :—

Major D. B. Young, Acting Examiner, Pay Department, to resume charge of his permanent appointment of Presidency Pay Master for the purpose of carrying out all arrangements preparatory to the Presidency Pay Office being constituted the sole Military Pay Office in this Presidency.

Colonel H. J. Day, Acting Presidency Pay Master, on being relieved by Major Young, to return to Poona and resume charge of the Pay Office, Poona Circle.

Lieutenant Colonel J. Thacker, Deputy Assistant Commissary General, 1st Class, to act as Examiner, Pay Department. He will proceed and relieve Major Young at once.

Colonel G. E. Ashburner, Acting Pay Master, Poona Circle, on being relieved by Colonel Day, will be replaced at the disposal of His Excellency the Commander-in-Chief.

No. 120 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Lieutenant Frank Barrow, of the Bengal Staff Corps, Supernumerary Assistant Commissioner, 3rd Grade, Lucknow, Oudh,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 121 *of* 1872.—In accordance with the provisions of G. G. O. No. 370 of 1863, paragraph 10, Sub-Conductor Alexander McDonald, who was appointed on probation in the Ordnance Commissariat Department in G. G. O. No. 715 of 1871, is confirmed in his present grade of Sub-Conductor from 22nd July 1871.

The 6th February 1872.

No. 122 *of* 1872.—The services of Major P. H. F. Harris, of the Bengal Staff Corps, Assistant Inspector General, Government Railway Police, Lahore, are, at his own request, placed at the disposal of the Commander-in-Chief for appointment to a regiment under His Excellency's orders.

No. 123 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Captain R. F. Firth, of the Bengal Staff Corps, Wing Officer, 10th Regiment of Native Infantry,—date of arrival at Bombay, 21st December 1871 (date of departure on furlough, 22nd December 1869).

Major W. Winson, of the Bengal Staff Corps, Commandant, 18th (The Alipore) Regiment of Native Infantry,—date of arrival at Bombay, 24th December 1871 (date of departure on furlough, 8th January 1870).

No. 124 *of* 1872.—The under-mentioned Out-pensioner having been permitted to reside and draw the stipends in the Bengal Presidency, payment of pension is to be made and charged accordingly :—

Sergeant John Lissant, an Out-pensioner of the Royal Hospital at Chelsea from the Bengal Regiment of Artillery,—rate of pension, 2*s.* (two shillings) per diem, paid up to the 31st of December 1871.

Sergeant Major James Powell, an Out-pensioner of the Royal Hospital at Chelsea from the Bengal Regiment of Artillery,—rate of pension 2*s.* (two shillings) per diem, paid up to the 31st of December 1871.

No. 125 *of* 1872.—With reference to the Notification issued by the Government of the North-Western Provinces, No. 196, dated 29th January 1872, the services of Assistant Surgeon W. G. May, of the Medical Department, are replaced at the disposal of His Excellency the Commander-in-Chief.

No. 126 *of* 1872.—The periodical Rolls of Field and Departmental Services of Warrant Officers and Sergeants on the Unattached List, prescribed in G. G. O. No. 462, dated 21st April 1869, being no longer required, their submission may be discontinued for the future.

G. G. O. No. 462 of 1869 is hereby cancelled.

The 7th February 1872.

No. 127 *of* 1872.—The following order issued by the Government of Bombay is confirmed:—

No. 808, *dated 27th November* 1871.—Granting furlough to Europe on medical certificate to the under-mentioned Warrant Officer:—

Quarter Master E. J. Fleming, No. 4 Light Field Battery, Hyderabad Contingent,—for two years, under the provisions of G. G. O. No. 207 of 1869.

No. 128 *of* 1872.—Captain C. E. Armstrong, of the Bengal Staff Corps, Judge, Small Cause Court, 3rd Grade, Loodianah, Punjab, is allowed an extension of leave from the 12th December 1871 to the 1st January 1872, the date on which he reported his return from furlough to Europe on private affairs.

No. 129 *of* 1872.—In modification of the arrangement prescribed in the penultimate clause of G. G. O. No. 697 of 15th August last, His Excellency the Governor General in Council is pleased to direct that all recoveries as fines for drunkenness in the British Army in India shall, in future, be shown in the monthly Pay Lists, and remitted monthly to England in the miscellaneous Remittance Returns of Batteries of Artillery and Regiments of Infantry and Cavalry sent direct to the War Office.

No. 130 *of* 1872.—Conductor M. McIntyre, of the Ordnance Commissariat Department, is allowed an extension of leave from the 15th October to the 23rd November 1871, the date on which he reported his return from furlough to Europe on medical certificate.

The 8th February 1872.

No. 131 *of* 1872.—In conformity with the practice in force in England, as laid down in the Royal Clothing Warrant of 1865, His Excellency the Governor General in Council, in concurrence with His Excellency the Commander-in-Chief, is pleased to direct that the following rules be observed in the issue of Clothing, and of materials for the preparation of Clothing, to the European and Native Troops in India:—

1.—The Clothing for British Cavalry, for Royal Horse Artillery, and for the mounted portion of Royal Artillery, will be supplied either made up or in materials as may be required.

2.—The Clothing for dismounted Royal Artillery will be supplied made up, with the exception of that for the Staff Sergeants of the Head Quarters of Brigades and of Batteries, as well as that for ten per cent. of the Non-Commissioned Officers and Men, which may, if required, be issued in materials.

3.—The Clothing for British Infantry will be supplied made up, with the exception of that for the Staff Sergeants and for the Band, and of ten suits per Company, which may, if required, be issued in materials.

4.—Clothing in materials will be supplied cut out and trimmed, except that for Staff Sergeants, Bands, and ten per cent. of Non-Commissioned Officers and Men, which may, if required, be issued in piece without being cut out and trimmed.

5.—The Native Army in all its branches will be supplied with Clothing made up, with the exception of that for the Native Commissioned Officers and for one Havildar and five Rank and File per Troop or Company, which may, if required, be issued in materials, but cut out and trimmed.

6.—Such Corps only as have heretofore drawn Clothing wholly in materials will be permitted still to do so, but the materials will in future be supplied cut out and trimmed.

7.—These rules will have effect at the three Presidencies with respect to the Clothing which will be due on the 1st April 1873 and to all subsequent issues.

8.—All previous orders on the subject are hereby cancelled.

No. 132 *of* 1872.—The services of Assistant Surgeon R. H. Stevens, in medical charge of the 11th Regiment, Native Infantry, are placed at the disposal of the Government of Bengal from the date on which he may be relieved from his present duties.

No. 133 *of* 1872.—That part of G. G. O. No. 1, dated 2nd January 1872, publishing an amended Rule XV to the Furlough Regulations of 1868, is cancelled, and that rule will remain as published in G. G. O. No. 1061, dated 10th November 1868.

No. 134 *of* 1872.—The under-mentioned Officer of the Bengal Staff Corps, having completed 26 years' service, is promoted to the rank of Lieutenant Colonel, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Major William Bolton Girdlestone,—4th February 1872.

No. 135 *of* 1872.—The following promotion is made from the date specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET—*To be Captain.*

Lieutenant William Walters Biscoe, General List, Cavalry,—4th February 1872.

No. 136 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Second Captain George Scott Hills, of the Royal Engineers, Executive Engineer, 2nd Grade, Department Public Works, Bengal,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 137 *of* 1872.—Conductor Andrew Gibson, Sub-Engineer, 3rd Grade, Department Public Works, Punjab, is permitted to retire from the service on the pension of his rank under the provisions of G. G. O. No. 69 of the 22nd January 1868, and to reside and draw his stipend in England.

No. 138 *of* 1872.—Major H. B. Chalmers, of the Bengal Staff Corps, Assistant Commissary General, 1st Class, is allowed leave of absence for thirty days, from such date as he may avail himself of it, to visit Bombay, preparatory to applying for furlough to Europe on medical certificate under the Regulations of 1868.

No. 139 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Major (Brevet Lieutenant Colonel) C. H. Palliser, C. B., of the Bengal Staff Corps, Commandant, 10th Bengal Cavalry (Lancers); Lieutenant Colonel H. F. M. Boisragon, of the Bengal Staff Corps, Commandant, 4th Sikh Infantry, Punjab Frontier Force; Major L. H. Williams, of the Bengal Staff Corps, Wing Officer, 14th (The Ferozepore) Regiment of Native Infantry; Surgeon C. T. Paske, of the Medical Department; and Lieutenant J. E. P. Mosley, of the Bengal Staff Corps, Adjutant, 3rd Punjab Infantry, Punjab Frontier Force,—date of arrival at Bombay, 20th January 1872.

No. 140 *of* 1872.—Second Captain Frederick Vincent Eyre, of the Royal Artillery, 3rd Class Commissary of Ordnance, is allowed leave of absence for one month from the 10th March 1872, or from such date as he may avail himself of it, to visit Bombay, with permission to proceed thence to Europe on furlough on private affairs for two years under the Regulations of 1868.

The 9th February 1872.

No. 141 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain Harvey Woodhouse, of the late 62nd Regiment, Native Infantry,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain James Sconce, of the Bengal Staff Corps, Deputy Superintendent, 2nd Grade, Revenue Survey Department,—for two years, under the Regulations of 1868.

Captain Harry Style Ruxton, of the late 56th Regiment, Native Infantry,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain John Henry Townsend Farquhar, of the late 2nd European Light Cavalry, Sub-Assistant, Stud Department, Poosah,—for two years, under the Regulations of 1868, embarking at Bombay.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

Calcutta, the 8th February 1872.

Notice is hereby given that the amounts on account of the Estates of deceased European Commissioned and Warrant Officers, as specified in the Statement published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice:—

STATEMENT of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned and Warrant Officers of Her Majesty's Indian Military Service during the Month of January 1872.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of Moneys accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in sterling.	
	Commissioned and Warrant Officers.						Rs. A. P.		Rs. A. P.					
18th Jan. 1872	(a) Edward Thornbrough Sadler.	Major ...	Staff Corps ...	...	Oct. 23, 1871	Testate	820 14 9	...	820 14 9					
31st " "	(b) John White, M. D. ...	Surgeon Major...	Bengal Medical Establishment.	...	June 29, 1871	Not known.	4,260 11 11	...	4,260 11 11					
31st " "	(c) John Cooper ...	Asst. Apothecary	Subordinate Medical Department.	...	Nov. 6, 1871	Intestate	86 4 3		86 4 3					
						TOTAL...	5,167 14 11		5,167 14 11					

(a) Widow, Mrs. Lucy Elinor Sadler, 35, Grosvenor Place, Bath.
(b) Widow, Mrs. Louise Henrietta White; Children, Mrs. Annie Louise Ogilvy, Frances Mary White, John Chrade White, Louis Hentley White, Charles Percy White, Silian T. Y. White; Administrator General administering.
(c) Next-of-kin, supposed to be a brother.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

NOTIFICATION.

MILITARY DEPARTMENT.

Calcutta, the 8th February 1872.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officer and an Hospital Apprentice on the dates specified were received in the Military Department during the month of January 1872 :—

CORPS.	RANK AND NAMES.	DATE OF DECEASE.	PLACE OF DECEASE.	TESTATE OR INTESTATE.
Bengal Light Cavalry	Major F. W. Russell ...	Jan. 16, 1872	Jubbulpore.	
Subordinate Medical Department ...	Hospital Apprentice J. Claney.	„ 14, „	Gwalior.	

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 2nd February 1872.

No. 71.—Statement of the Monthly Accounts received in the Office of the Accountant General, Public Works Department, up to the 31st January 1872 :—

ORDER OF MERIT.	ACCOUNTING OFFICES.	LAST MONTH FOR WHICH RECEIVED.	DATE OF RECEIPT.
1	Controller, Mysore for Coorg	Nov. 1871 ...	27th Dec. 1871.
2	Do. Central Provinces...	„ ...	30th „ „
3	Do. Mysore	„ ...	9th Jan. 1872.
4	Do. Hyderabad	„ ...	15th „ „
5	Do. Hyderabad for the Berars	„ ...	18th „ „
6	Do. North-Western Provinces	„ ...	29th „ „
7	Do. British Burmah	„ ...	29th „ „
8	Do. Rajpootana	„ ...	29th „ „
9	Do. Port Blair	„ ...	29th „ „
10	Do. Bengal	„ ...	30th „ „
11	Do. Oudh...	„ ...	31st „ „
12	Do. Madras	Oct. 1871 ...	21st Dec. 1871.
13	Do. Bombay	„ ...	26th „ „
14	Do. Central India	„ ...	26th „ „
15	Do. Punjab	„ ...	27th „ „

The 3rd February 1872.

No. 72.—Captain J. H. Bedford, R. E., Executive Engineer, 2nd Grade, Central Provinces, on return from furlough is transferred to British Burmah.

The 6th February 1872.

No. 74.—Captain W. M. Story, Assistant Engineer, 2nd Grade, Central India, was allowed privilege leave from the 14th October to the 3rd November 1871, both days inclusive.

No. 75.—Notification No. 486, dated 22nd December 1871, appointing Mr. F. Kreiser to the Public Works Department as a Supervisor, 2nd Grade, and posting him to the Punjab Irrigation Branch, is cancelled.

No. 76.—Mr. C. Swappé, Assistant Engineer, 1st Grade, Indore (State) Railway, passed the examination in the native languages according to the Departmental Standard on the 24th January 1872.

The 7th February 1872.

No. 77.—The following is re-published for information and guidance in the Public Works Department:—

EXPENDITURE.

(ADMINISTRATION).

The 12th January 1872.

No. 325.—RESOLUTION.—It is usual for officers, when submitting propositions for the revision of establishments, to set down the average monthly cost of a pay which rises from a minimum to a maximum, however quickly, at the mean between the minimum and the maximum.

2. As a matter of fact, however, the monthly average cost of a pay so fixed, unless the period of rise be very long, is much higher than this. By the present erroneous practice, officers may be led to propose, and perhaps the Government sometimes may sanction proposals for the revision of establishments under a practical misapprehension of their actual financial effect.

3. It is not at present possible to show exactly what the average monthly cost of a progressive pay is. No doubt it varies under varying circumstances; and under all circumstances it depends largely upon the length of the period of rise.

4. The Governor General in Council is, however, convinced that the average monthly cost of a pay, which rises by five equal annual increments from a minimum to a maximum, is, at least, the minimum plus two-thirds, and, in the case of ministerial establishments, three-fourths, of the difference between the minimum and the maximum.

5. His Excellency in Council is accordingly pleased to direct that, for the present, the average monthly cost of such pay shall be calculated in this way:—

Examples—

The average monthly cost of the pay of an officer in the classified list in the Financial Department, which rises from Rs. 400 a month by five annual increments of Rs. 40 to Rs. 600 a month, is Rs. 400 + ⅔rds of Rs. 200 = (Rs. 134) = Rs. 534.

The average monthly cost of the pay of a clerk rising from Rs. 100 a month by five equal annual increments of Rs. 10 to Rs. 150 a month is Rs. 100 + ¾ths of Rs. 50 = (Rs. 37-8) = Rs. 137-8.

6. If the period of rise is 20 years, the average monthly cost may be taken at the exact mean.

7. In other cases an intelligent estimate may be made.

ORDERED, that this Resolution be published in the *Gazette of India*, and communicated to the Departments of the Government of India, to the local Governments, to the Heads of Departments, and to the Officers of Account and Audit for information and guidance.

R. B. CHAPMAN,
Secretary to the Govt. of India.

The 8t February 1872.

No. 78.—Troyloko Nath Haldar, Accountant, 4th Grade, Oudh, is allowed leave for one month on medical certificate in extension of the leave granted him in Notification No. 13 of 5th January 1872.

The 9th February 1872.

No. 80.—Lieutenant C. E. Shepherd, Staff Corps, Executive Engineer, 4th Grade, is transferred from the Central Provinces to the Indus Valley (State) Railway.

No. 81.—Lieutenant J. F. Hewson, R. E., is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade and posted to the Indus Valley Railway.

TELEGRAPH.

The 6th February 1872.

No. 73.—Mr. T. R. M. Bence, Superintendent, 2nd Grade, is granted one year's leave to Europe on medical certificate from the date on which he may avail himself of it.

The 9th February 1872.

No. 79.—Mr. T. G. Saunders, Assistant Superintendent, 3rd Grade, is removed from the Department.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 10, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

REVENUE SURVEY DEPARTMENT.

NOTIFICATION.

Calcutta; the 5th February 1872.

No. 30.—The following promotion is made with effect from the 1st ultimo :—

Mr. Thomas Patterson, Assistant Revenue Surveyor, from the 3rd to the 2nd Grade.

D. C. VANRENEN, *Colonel, R.A.,*
Supdt. of Revenue Surveys, Upper Circle.

BANK OF BENGAL.

NOTICE.

Calcutta, the 6th February 1872.

Notice is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office will be closed on Tuesday, the 13th, and Wednesday, the 14th instant, on account of the Hindoo Festival "Sree Punchomey," in conformity with Government Notification No. 3464 of the 29th October 1867.

By order of the Directors,
GEO. DICKSON,
Secretary and Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
January 29th, 1872 ...	...	1,928	7,30,162	25,452	78,08,487
" 30th " ...	1,187	...	7,31,350	30,380	78,08,487
" 31st " ...	1,726	...	7,33,076	36,357	78,08,487
February 1st " ...	...	2,22,906	5,16,583	2,56,595	78,08,487
" 2nd " ...	...	2,10,558	3,10,362	2,58,379	80,08,487
" 3rd " ...	18,70,267	1,54,918	20,34,604	2,05,218	82,08,487

CALCUTTA MINT,
The 5th February 1872.

J. F. SHEKLETON,
Offg. Mint Master.

Statement of Transactions of District Savings Banks for the week ending 8th February 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	89	5,665 11 10	23	2,698 5 6	10 5 0	1,83,343 2 8
N. W. Provinces ...	13	24	843 9 2	6	1,466 6 11	...	62,539 1 6
Punjab	13	3	580 0 0	3	223 0 0	...	43,939 3 11
Oude	3	5	259 0 0	2	77 13 0	...	17,818 12 8
Central Provinces ...	4	6	480 0 0	2	800 0 0		35,214 7 6
British Burmah ...	5	2	59 0 0	2	796 9 6	15 1 0	7,378 10 5
Berar	2	3	180 0 0	1	200 0 0	...	9,840 7 1
India	3	...	...	...	...	...	16,347 15 9
TOTAL ...	88	132	8,067 5 0	39	6,262 2 11	25 6 0	3,76,421 13 6

CALCUTTA,
The 8th February 1872.

HUGH D. SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 6th February 1872.

LIABILITIES.		Rs. A. P.
Proprietors' Capital, paid-up ...		2,20,00,000 0 0
Reserve Fund		15,40,869 7 0
	Rs. A. P.	
General Treasury Balance at Head Office	3,28,43,782 11 9	5,21,59,535 2 8
General Treasury Balance at Branches	1,93,15,752 6 11	
Other Deposits at Head Office and Branches		2,44,04,840 3 4
Bank Post Bills, &c. ...		13,44,991 2 8
Sundries		7,58,246 3 10
TOTAL ...		10,22,08,482 3 6

ASSETS.		Rs. A. P.
Government Securities ...		93,77,060 12 0
Loans on Government Securities at Head Office and Branches ...		86,28,183 12 10
Accounts of Credit on Government Securities at Head Office and Branches		1,64,45,383 15 2
Mercantile Bills discounted at Head Office and Branches ...		2,00,87,845 4 5
Dead Stock		11,87,081 12 3
Stamps ...		14,012 9 0
Balances with other Banks ...		3,82,513 7 11
Sundries		1,46,407 10 3
		5,62,68,489 3 10
	Rs A. P.	
Cash and Currency Notes at Head Office	1,62,11,164 0 0	4,59,39,992 15 8
Cash and Currency Notes at Branches	2,97,28,828 15 8	
TOTAL ...		10,22,08,482 3 6

By order of the Directors,

BANK OF BENGAL;
Calcutta, 8th February 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st January 1872.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54.	4 PER CENT LOAN							4½ PER CENT.				5 PER CENT.		5½ PER CENT.	DEBENTURES FOR			TOTAL AMOUNT.
		of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.	of 1856-57.	Transfer Loan dated 15th July 1870.	Loan dated 4th July 1871.	Transfer Loan of 1872.	P. W. of 1854-55.	Loan of 1856-57.	Loan of 1859-60.	5 years @ 5 per cent. Repayable June 1872.	10 years @ 5 per cent. Repayable June 1877.	15 years @ 5 per cent. Repayable June 1882.	
Balance of 15th January 1872 ..	53,100	20,374	2,347	19,94,347	39,99,800	1,49,17,000	1,21,75,000	1,30,04,500	14,500	33,52,400	8,75,000	2,24,30,000	...	1,37,13,500	4,06,28,300	22,81,000	33,11,000	36,50,000	13,64,22,168
Add— Amount enfaced at Madras between 16th and 31st January 1872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Bombay between 16th and 31st January 1872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Calcutta between 16th and 31st January 1872	...	...	533	...	500	5,500	6,500	1,83,000	...	27,400	2,000	24,49,900	...	...	70,700	...	5,000	..	27,51,033
TOTAL ...	53,100	20,374	2,880	19,94,347	40,00,300	1,49,22,500	1,21,81,500	1,31,87,500	14,500	33,79,800	8,77,000	2,48,79,900	...	1,37,13,500	4,06,99,000	22,81,000	33,16,000	36,50,000	13,91,73,201
Deduct— Amount written off in the London Registers	...	...	..	10,667	3,000	43,100	8,000	1,53,500	...	1,500	...	1,000	...	27,56,400	2,06,000	..	5,000	...	31,88,167
Balance on 31st January 1872 ...	53,100	20,374	2,880	19,83,680	39,97,300	1,48,79,400	1,21,73,500	1,30,34,000	14,500	33,78,300	8,77,000	2,48,78,900	...	1,09,57,100	4,04,93,000	22,81,000	33,11,000	36,50,000	13,59,85,034

NOTE.—From 9th June 1867 to 30th Nov. 1871 enfaced from India 1,233 lakhs; re-transferred from London 1,048 lakhs.
" 1st Dec. 1871 to 15th Dec " " " 10 " " " 140 "
" 16th " " to 30th " " " " 45 " " " 70 "
" 1st Jan. 1872 to 15th Jan. 1872 " " 34 " " " 25 "
" 16th " " to 31st " " " " 27 " " " 31 "
1,349 " 1,314 "
Balance against India ... 35 "

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 3rd Feb. 1872.

GEO. DICKSON,
Secretary and Treasurer.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The under-mentioned Students have passed the Examination for the Degree of Bachelor in Law :—

SECOND DIVISION.

In Order of Merit.

1	Mahit Chandra Basu	...	Presidency College.
	Chandra Mohan Chakravarti	...	Patna College.
3	Chandrakanta Páin	...	Kishnaghur College.
4	Krishnakamal Bhattacharyya	...	Presidency College.
5	Hariprasanna Mukhopadhyáy	...	Kishnaghur College.
6	Devendranath Ghosh	...	Presidency College.
7	Lalmohan Das	...	Ditto.
	Bipinkrishna Basu	...	Ditto.
9	Bipinvihari Mukhopadhyáy	...	Kishnaghur College.
10	Sivnath Bandyopadhyáy	...	Presidency College.
11	Basantakumár Basu	...	Ditto.
12	Rajanikánta Chaudhuri	...	Dacca College.
13	Narasinha Datta	...	Presidency College.
	Trailokyanath Basu	...	Ditto.
15	Abdul Bari	...	Ditto.
16	Syamaldás Chakravarti	...	Patna College.
17	Akshaykumár Basu	...	Presidency College.
	Umákáli Mukhopadhyáy	...	Ditto.
19	Kedarnath Sarkar	...	Ditto.
20	Rajaninath Basu	...	Ditto.
	Gopal Chandra Mukhopadhyáy	...	Ditto.

The under-mentioned Students have passed the Examination for a Licence in Law :—

In Alphabetical Order.

Baksi, Kedernath	..	Presidency College.
Bandyopadyáy, Bhuvanmohan	...	Ditto.
„ Binádvihári	...	Ditto.
„ Gopalchandra	...	Kishnaghur College
„ Kántichandra	...	Presidency College.
Basu, Radhamadhav	...	Ditto.
„ Upendranath	...	Ditto.
Bhattacharyya, Jogendranath	...	Ditto.
Chattopadhyay, Trailokyanath	...	Ditto.
Chaudhuri, Kálikrishna	...	Ditto.
„ Sirischandra	...	Ditto.
Dán, Parmeswar	...	Ditto.
Dás, Bhairavchandra	...	Ditto.
„ Jagatchandra	...	Dacca College.
Datta, Priyanath	...	Presidency College.
„ Radhakrishna	...	Patna College.
De, Govindachandra	...	Presidency College.
Gangopadhyay, Binadvihari	...	Ditto.
Ghosh, Bhuvanmohan	...	Kishnaghur College.
„ Chandrakumar	...	Ditto.
„ Mahendranath	...	Presidency College.
„ Nilmádhav	...	Berhampore College.
„ Raicharan	...	Hooghly College.
„ Upendranath	...	Presidency College.
Lahiri, Purnachandra	...	Ditto.
Majumdar, Mahendrachandra	...	Berhampore College.
„ Upendranarayan	...	Presidency College.
Mallik, Mahendranath	...	Ditto.
Masánta, Parvaticharan	..	Ditto.
Mitra, Bhagavaticharan	...	Patna College.
„ Saradacharan	...	Presidency College.
Mukhopadhyay, Avinaschandra	...	Ditto.
Ráy Girischandra	...	Ditto.
„ Syámácharan	...	Dacca College.

Ráychaudhuri, Rámchandra	...	Presidency College.
Sarkár Jogeschandra	...	Hooghly College.
„ Mahimchandra	...	Berhampore College.
Sen, Banavarilal	...	Presidency College.
„ Jadunándan	...	Berhampore College.
„ Kánáilal	...	Presidency College.
„ Umeschandra	...	Kishnaghur College.
Sukul, Bhadranath	...	Ditto.

CALCUTTA UNIVERSITY,
The 26th January 1872.

The following Resolutions having been passed by the Senate and approved by His Excellency the Governor General in Council, are published for general information :—

(*a*).—That for the better encouragement of Vernacular education and literature an examination in Vernacular be instituted by the University, on the plan of the Middle-class Examinations conducted by British Universities.

(*b*).—That a convocation for conferring degrees upon graduates of the North-West Provinces, the Punjab, Oudh, and the Central Provinces, be held annually at Allahabad.

(*c*).—That notices of meetings of the Faculty of Arts for the discussion of all business of importance be circulated to all Members, resident and non-resident, in order that any minute they may forward to the Registrar may be laid before the meeting of the Faculty.

(*d*).—That Persian be added to the list of second languages for the First Arts and B. A. Examinations.

(*e*).—That, as a part of the Entrance Examination in Oriental languages, the Examiners shall set a paper containing passages in English to be translated into one of the Vernaculars of India at the option of the candidate; the passages being taken from a newspaper or other current literature of the day.

(*f*).—That the following revised scale of fees be adopted for admission to the Examinations in Medicine :—

For the 1st L. M. S. Examination, a fee of Rs. 20.
„ 2nd „ „ „ „ 25.
„ 1st M. B. „ „ „ 20.
„ 2nd „ „ „ „ 30.

2. The following Rules for the conduct of the examination in Vernaculars established under Resolution (*a*) have been approved by the Senate and His Excellency the Governor General in Council :—

RULES FOR THE UNIVERSITY VERNACULAR EXAMINATION.

1. The examination shall commence annually on the Monday immediately preceding that fixed for the Entrance Examination, and shall be held in such places as the Directors of Public Instruction of the several provinces may appoint.

2. Every candidate for admission to the examination shall send his application and a fee of Rs. 3 in the Form A, given below, and the application must reach the Registrar at least 60 days before the date fixed for the commencement of the examination. Each local Director shall issue rules for the receipt of applications and fees in his province, and shall forward them to the Registrar.

3. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee.

4. The examination shall be conducted by means of printed papers, the same papers being used at every place where the examination is held.

5. The Syndicate shall appoint a Board of Examiners in Calcutta to set all the questions and to determine the full marks to be given for each question. The answers shall be examined by Local Examiners for each province, who shall be nominated by the Director of Public Instruction and approved by the Syndicate.

6. The Syndicate shall place at the disposal of each Director 80 per cent. of the fees collected in his province for the remuneration of local Examiners.

7. At the examination every candidate shall be examined in the following subjects :—

I.—LANGUAGES.

One of the following :—*

Bengali.	Hindi.
Urdu.	Uriya.

* The Syndicate may add any other language to this list.

Two papers in each language shall be set; one paper shall contain passages in prose and verse, with questions concerning their meaning and construction, from books or periodicals—the other paper shall contain general questions on Grammar, and questions to test the candidate's power of composition. A piece of prose to be written at dictation shall also be included in this paper. (Full marks, 75 for each paper.)

II.—HISTORY AND GEOGRAPHY.

The outlines of the History of India treated briefly in the Hindu and Muhammadan periods, and more fully in the British period. (One paper—full marks, 50.)

The outlines of general Geography, with a particular knowledge of the Geography of India. (One paper—full marks, 50.)

III.—MATHEMATICS.

Arithmetic,—The whole. (One paper—full marks, 50.)

Algebra,—As far as simple equations. (One paper—full marks, 50.)

Geometry,—Euclid, Books I and II, with easy deductions. (One paper—full marks, 50.)

Candidates shall not be approved by the Examiners unless they gain at least 25 per cent. of the marks allotted to each of the preceding subjects.

The candidates may also present themselves for examination in not more than two of the following optional subjects :—

(1) Sanskrit.
(2) Arabic.
(3) Persian.
} The standard to be that prescribed for the Entrance Examination; each language, 100 marks.

(4) Mensuration of plane figures and simple solids. Practical Geometry. Surveying by the chain with Plane Table or Prismatic Compass—50 marks.

(5) The elements of Statics, Hydrostatics, and Pneumatics—50 marks.

(6) Physical Geography and the elements of Astronomy—50 marks.

Failure in the optional subjects shall not prevent a candidate from passing; but candidates shall not be approved by the Examiners in any optional subject unless they gain 25 per cent. of the allotted marks.

8. As soon as possible after the examination, the Syndicate shall publish a list of the candidates who have passed in three classes, the first in order of merit, and the second and third in alphabetical order. Candidates shall be placed in the first class who obtain 50 per cent. of the aggregate marks; to be placed in the second and third classes, candidates must obtain 40 and 30 per cent. of the aggregate marks respectively.

9. Every successful candidate shall receive a certificate in the the Form B, given below.

A

TO THE REGISTRAR OF THE CALCUTTA UNIVERSITY.

Dated

SIR,

I request permission to present myself at the ensuing Vernacular Examination of the Calcutta University. The admission fee of 3 Rupees is forwarded herewith, and the particulars regarding which information is necessary are subjoined.

I am, &c.,

_____.

Particulars to be filled in by Candidates.

Name.
Religion.
Race (*i. e.*, nation, tribe, &c.)
Where educated.
Present position (*i. e.*, at school or present occupation).
Town or Village where resident, Pergunnah, Tehsil, Zillah.
Name of Father or Guardian.
Where to be examined.
Language in which to be examined.
Optional subjects selected.

B.

CALCUTTA UNIVERSITY.

Vernacular Examination Certificate.

I certify that duly passed the Vernacular Examination, held in the month of 187

in the following subje
Geometry, and

(Signed)

The January 187 *Registrar.*

3. The first examination under the preceding rules will be held in November 1873.

J. SUTCLIFFE,
Registrar.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th February 1872.

No. 231.—Mails for Chittagong, Akyab, and Kyouk Phyoo, for transmission per Steamer *Penang,* will be closed at this office on Monday, the 12th February, at 7 P. M.

No. 232.—Mails for Rangoon and Moulmein, for transmission per Steamer *Asia,* will be closed at this office on Monday, the 12th February, at 7 P. M.

No. 233.—Mails for Madras and Ceylon, for transmission per Peninsular and Oriental Company's Steamer *Delhi,* will be closed at this office on Wednesday, the 14th February, at 7 P. M.

No. 234.—Mails for the Straits and Hong-Kong, for transmission per Steamers *Historian* and *China,* will be closed at this Office on Saturday, the 17th February, at 7 P. M.

The 9th February 1872.

No. 235.—The next Overland Mail *viâ* Bombay, will close on Friday, the 16th February 1872.

2. Book post and pattern packets must be posted on the 15th.

3. Letters, &c., for Mauritius, St. Denis, Reunion, can be sent by this opportunity.

N. B.—The Letter Box will close at 7 P. M. precisely, after which hour overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or, bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk, at the East Indian Railway Station, Armenian Ghât.

The 5th February 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 3rd February 1872.

Bentley, Mrs. C.
Browne, Capt. J. J. C.
Bace, F A.
Blois, W.
Bokhara Ram.
Baldock, W. C.
Benson, Mrs.
Beleham, G.
Bennet, G.
Bond, F.

Child, W. & Co.
Climan, T.
Caddy, H.

Dutt, L. K.
Dewan Chattro Dass.
Dobalmaun, A. H. T.
D'Silva, J.

Forbes, T. T.
Freeman, R. W.
Fletcher, H. D.
Fraser, D., & Co.

Grimley, W. H.
Gregory, Mrs. H.
Gordon, C. B. F.
Grant, A.

Guerin, J. C.
Goodall, D.
Gisborne, E. S.
Gratama, Dr.
Goble, Mrs.
Gostell & Fitch.
Griffin, A.

Howe, Miss M. C. F.
Harris, Miss M.
Heller, R.
Howard, W.
Halsted, Lieut. J.
Hind, F.
Hoff, A. W.

Imbert, Mrs.

Johnston, J.
Jacobs, Mrs. M.
Jones, F.
Jackson, T. A.
Jary, A.

Kemble, W.

Lockwood, R.
Leadon, R. H.
Long, T.

Marsden, Esq.
Monier, J. C.
McGlow, D.

Nardon, Miss D.

Robin, Mrs.
Robertson, R. D.
Rice, Mrs.
Ross, F. L.
Rhoades, A. H.
Robinson, H.
Rebeiro, G.

Shekleton, J. F.
Scott, Mrs. H. A.
Sloane, R. E.
Smith, T.
Smith, A. A.
Spracklin, Mrs. W. F.
Spracklin, Capt. D.
Smith, Capt. A. A.

The Manager, East Indian Land Credit & Finance Co.
Tarrant, T.
Tait, Mrs.

Wheal, J.
Weir, Capt. R. A.

W. H. McGOWAN,
Post Master of Calcutta.

* Add the optional subjects, if any, in which the candidate has passed.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 10, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

I, Henry William Johnson, have this day made over my right, title, and interests in the business of E. Morrison & Co., to Mr. E. Morrison.

H. W. JOHNSON.

In reference to the above notice, I, Edward Morrison, have this day taken over the entire business of E. Morrison & Co., under which style it will be continued, and to whom all debts are to be paid.

E. MORRISON.

NYNEE TAL,
The 12th January 1872.

Notice.

Wanted a Draftsman who can make drawings from dimensioned free-hand sketches and print with neatness and despatch. Maximum salary Rs. 80 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted a Clerk accustomed to the work of an Executive Engineer's Office, and who can write routine letters in good English. Maximum salary Rs. 60 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

We hereby give notice that Mr. William Scott, of the Firm of Charles and William Scott & Co., in Calcutta, retired from the business on 31st December 1871, that Mr. Walter Scott has become a Partner in the Firm from that day, and that Mr. Arthur James Parker has succeeded Mr. Good (who is returning to England) as Agent and Manager to the said Firm.

C. & W. SCOTT & CO.

CALCUTTA,
The 1st January 1872.

Notice.

Notice is hereby given that the Partnership heretofore subsisting between John Carlisle, Thomas Carlisle, Stewart Douglas, Michael Henderson, and Charles Stewart Carlisle, as Commission Merchants, at Calcutta, under the Firm of Carlisles, Nephews & Co., is this day dissolved, so far as concerns the said John Carlisle, who retires therefrom.

The business will hereafter be continued by the said Thomas Carlisle, Stewart Douglas, Michael Henderson, and Charles Stewart Carlisle, together with Henry Archer Wyatt Smith, under the said Firm at Calcutta aforesaid.

Dated this thirtieth day of December 1871.

Notice.

Notice is hereby given that the Partnership heretofore subsisting between John Carlisle, Thomas Carlisle, Stewart Douglas, and Charles Stewart Carlisle, as Commission Merchants, at Manchester, under the Firm of Carlisle Brothers & Co., is this day dissolved, so far as concerns the said John Carlisle, who retires therefrom.

The business will hereafter be continued by the said Thomas Carlisle, Stewart Douglas, and Charles Stewart Carlisle, together with Henry Archer Wyatt Smith, under the Firm of Carlisle, Douglas & Co.

Dated this thirtieth day of December 1871.

Report of a Deserter from the 107*th Regiment of Foot,—dated at Dum-Dum, this 3rd day of February* 1872.

Number, Rank, and Name.	Age.	Size.		Color of			Date of Desertion.	Place of Desertion.	Date of Enlistment.	At what place enlisted.	Parish and County in which born.	Marks.	Trade.	Coat or Jacket.	Waistcoat	Breeches or Trowsers.	Remarks.
		Feet.	Inches.	Complexion.	Hair.	Eyes.											
No 2766, Private John Ellis	23 years 6 months	5	7¼	Fresh.	Sandy.	Blue.	29th January 1872.	Dum-Dum.	1st July 1867.	Preston.	Birmingham, Warwick.		Laborer.	Regimental Serge Clothing.			

D. B. LOCKHART, *Major,*
Commanding 107*th Regiment.*

Public Notice.

1.—A Sale by Public Auction of all the Government Timber lying at the Forest Depôt, Suthiana Ghat, specified in list below, will be held on Wednesday, the 28th of February 1872, to commence at 7 o'clock in the morning.

2.—A Deposit of Rs. 10 per cent. of the price will have to be paid at the time of Sale, and the remainder within one month of the day of Sale, failing which the deposit money will be forfeited and the lot resold.

3.—Delivery of the Timber will not be given until payment in full has been made. The Timber will be at the risk of the Purchaser from the moment it is sold.

4.—Timber must be removed within a month from the date of Sale, failing which ground-rent will be charged at the rate of 4 annas per log per mensem.

List of the lots to be sold at Suthiana Ghat Depôt, on Wednesday, the 28th of February 1872.

No. of Lots.	No. of Logs.	Cubical Contents.	No. of Lots.	No. of Logs.	Cubical Contents.	No. of Lots.	No. of Logs.	Cubical Contents.	No. of Lots.	No. of Logs.	Cubical Contents.
1	10	534′ 11″ 1‴	26	10	562′ 2″ 5‴	51	10	536′ 6″ 10‴	76	10	448′ 3″ 7‴
2	10	410 5 7	27	10	629 11 6	52	10	365 4 10	77	10	520 10 9
3	10	507 7 4	28	10	463 7 11	53	10	707 10 1	78	10	502 0 10
4	10	390 5 7	29	10	415 11 6	54	10	425 5 7	79	10	490 0 4
5	10	366 5 5	30	10	387 8 11	55	10	454 7 5	80	10	427 8 2
6	10	378 4 11	31	10	320 9 4	56	10	481 11 0	81	10	504 3 3
7	10	413 5 9	32	10	327 11 4	57	10	400 4 8	82	10	487 11 1
8	10	527 2 3	33	10	327 1 5	58	10	404 8 1	83	10	442 0 0
9	10	568 0 8	34	10	366 8 2	59	10	416 3 6	84	10	497 7 11
10	10	519 2 9	35	10	522 2 6	60	10	387 2 6	85	10	427 2 0
11	10	557 8 3	36	10	480 9 3	61	10	476 7 9	86	10	441 7 5
12	10	599 8 2	37	10	473 0 5	62	10	358 2 1	87	10	468 7 3
13	10	645 9 11	38	10	494 0 2	63	10	653 6 1	88	10	493 3 0
14	10	616 7 8	39	10	617 8 7	64	10	393 2 10	89	10	451 4 11
15	10	554 7 10	40	10	597 4 9	65	10	484 8 4	90	10	428 2 10
16	10	467 3 5	41	10	554 10 1	66	10	413 6 0	91	10	509 10 8
17	10	658 5 0	42	10	477 1 4	67	10	603 2 9	92	10	472 0 4
18	10	528 9 2	43	10	411 9 11	68	10	520 0 8	93	10	591 3 9
19	10	554 10 5	44	10	504 6 8	69	10	562 8 4	94	10	576 2 7
20	10	629 11 6	45	10	332 4 7	70	10	557 2 8	95	10	467 0 5
21	10	506 1 2	46	10	455 9 4	71	10	411 11 9	96	10	712 1 9
22	10	718 11 1	47	10	397 4 4	72	10	437 2 5	97	10	706 0 9
23	10	545 4 3	48	10	416 3 5	73	10	403 3 6	98	10	561 8 7
24	10	566 3 9	49	10	509 3 7	74	10	443 4 11	99	10	482 2 2
25	10	534 6 2	50	10	567 9 6	75	10	613 11 5	100	10	411 7 2

CAMP MURHNEE,
The 11*th January* 1872.

W. STENHOUSE, *Capt.*,
Offg. Conservator of Forests, Oudh.

PROMISSORY NOTES.

Lost.

The following 4 per cent. Government Promissory Notes, Nos. 20822 and 21200, both of 1842-43, for Rs. 500 each.

KRISTO NAUTH MOOKERJEE.

On the 16th January 1872 a Promissory Note, No. 14851, for Rs. 1,000, at 5 per cent., loan of 1856-57, standing in the name of Mr. Sakharam Ganesh Datar. The payment of the Note has been stopped.

SITARAM SAKHARAM DATAR.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4498 ...	A/63 57154 ...	50 ...	E. O. B. Smith, Esq.
4499 ...	A/63 71370 ...	500 ...	Janoky Ram Bany Prosad,
	A/64 15888 ...	100 ...	
4505 ...	A/65 81282 ...	50 ...	Hadjee Mahomed Kurreem.
4506 ...	A/60 11132 ...	100 ...	Baboo Gopeecaunt Roy.
4508 ...	A/63 58342 ...	50 ...	Baboo Denobundoo Bhuttacharjee,
4510 ...	A/63 58368 ...	500 ...	
	Notes partially lost or destroyed.		
		Rs.	
4500 ...	A/60 44257 ...	100 ...	Greedharee Lal.
	A/60 21465 ...	100 ...	
	A/60 15384 ...	100 ...	
	A/60 47751 ...	100 ...	
	A/64 98092 ...	100 ...	
	A/63 43019 ...	50 ...	
4501 ...	A/65 82047 ...	10 ...	G. H. Cataina, Esq.
4502 ...	A/66 90563 wrongly joined	10 ...	Messrs. Baker & Catliff.
	A/64 91672 wrongly joined		
4504 ...	A/60 03181 ...	100 ...	Hosein Bux.
	A/67 53531 ...	50 ...	
4507 ...	A/64 73431 ...	100 ...	Henry D. Forth, Esq.
	A/64 51843 ...	100 ...	
4509 ...	A/60 49665 ...	10 ...	Baboo Kissory Mohun Bose.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 8th February 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.		
1871-72.		Rs.	
80 ...	C/70 26393 ...	100 ...	Mr. J. P. Preston, Librarian, Secunderabad Library, Secunderabad.

PAPER CURRENCY OFFICE;
BOMBAY,
The 31st January 1872.

A. R. GORDON,
Assistant Commissioner.

CALICUT CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Notes wholly lost or destroyed.
	Rs.	
$\frac{J}{3}$21543 ...	50 ...	Subbrama Chetty, Rice Merchant, Coimbatore.
$\frac{J}{3}$27050 ...	100 ...	
$\frac{J}{3}$23716 ...	10 ...	Palat Choy, Calicut.

PAPER CURRENCY OFFICE; CALICUT, *The 29th January* 1872.

P. A. COLE, *Deputy Collector, In charge of Paper Currency.*

LAHORE CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Note wholly lost or destroyed.
	Rs.	
$\frac{A}{18}$88822 ...	100 ...	Bhaut Rai, Lahore.
		Notes partially lost or destroyed.
	Rs.	
$\frac{E}{3}$20130 ...	100 ...	Ram Narain and Khem Chand, Bankers, Delhi.
$\frac{A}{18}$60326 wrongly joined	10 ...	Lala Gokul Chund, Post Master General's Office, Lahore.
$\frac{A}{18}$60327 wrongly joined		

PAPER CURRENCY OFFICE; LAHORE, *The 3rd February* 1872.

R. A. FINK, *A. A. G., for Deputy Commissioner.*

MADRAS CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Notes partially lost or destroyed.
	Rs.	
$\frac{B}{50}$77958 ...	10 ...	Joseph Peter, of Culloocherry, near Salem.
$\frac{B}{14}$42176 ...	50 ...	J. A. Boyle, Esq., Inspector of Schools, 2nd Division, Madras.
$\frac{B}{14}$42177 ...	50 ...	
$\frac{B}{14}$42178 ...	50 ...	

ACCOUNTANT GENL.'S OFFICE, PAPER CURRENCY DEPT.; FORT ST. GEORGE, *The 29th January* 1872.

W. DONALD, *Officiating Assistant Accountant General, In charge of Paper Currency Department.*

VIZAGAPATAM CIRCLE.

No. of Note.	Value.	Name of Claimant.
		Note partially lost or destroyed.
	Rs.	
$\frac{J}{5}$02507 ...	20 ...	Nepalli Venkataratnam, of Rajahmundry.

PAPER CURRENCY OFFICE; VIZAGAPATAM, *The 31st January* 1872.

H. RICHARDSON, *Deputy Collector, In charge of Paper Currency.*

☞ With reference to the following advertisements, apply to the Office of Superintendent of Government Printing, No. 8, Hastings Street, Calcutta, enclosing one anna additional in the Rupee when postage stamps are remitted, to cover discount on sale of stamps.

Packing and postage will be charged extra.

Geological Survey of India.

Volume I.—Memoirs.—Royal 8vo., pp. 309, Plates, Maps, &c., cloth, lettered. *Price Rs.* 7-8.

Contents:—On the Coal and Iron of Cuttack.—Structure and Relations of the Talcheer Coal-field.—Gold deposits in Upper Assam.—Gold and Gold-dust from Shue Gween.—Geology of the Khasi Hills.—The Nilghiri Hills.—Geology of Bancoora, Midnapore, and Orissa.—Laterite of Orissa.—Fossil Teeth of Ceratodus.

Volume II.—Royal 8vo., pp. 341, Plates, large Geological Maps, &c., cloth, lettered. *Price Rs.* 10.

Contents:—Report on the Vindhyan Rocks and their Associates in Bundelkund.—Geological Structure of the central portion of the Nerbudda District.—Tertiary and Alluvial deposits of the Nerbudda Valley.—Geological relations and probable Geological age of the several groups of rocks in Central India and Bengal.

Volume III.—Royal 8vo., pp. 338, large Maps, Plates, &c., cloth, lettered. *Price Rs.* 9.

Contents:—Report on the Ranigunj Coal-field.—Additional remarks on the Geological age of Indian rock systems.—On the Sub-Himalayan ranges.

Volume IV.—Royal 8vo., pp. 450, large Maps, Plates, &c., cloth, lettered. *Price Rs.* 8.

Contents:—Report on the Cretaceous Rocks of Trichinopoly District, Madras.—On the Structure of the Districts of Trichinopoly, Salem, &c.—On the Coal of Assam, &c.

Volume V.—Royal 8vo., pp. 354, Maps, Plates, &c., cloth, lettered. *Price Rs.* 9.

Contents:—Sections across N. W. Himalaya, from Sutlej to Indus.—On the Gypsum of Spiti.—On the Geology of Bombay.—On the Jherria Coal-field.—Geological Observations on Western Tibet.

Volume VI.—Part 1, Blanford.—On the neighbourhood of Lynyan, &c., in SIND. Blanford.—On the Geology of a portion of Cutch. *Price Re.* 1-8.

Part 2, Hughes.—On the Bokaro Coal-field. Ball.—On the Ramgurh Coal-field. Blanford.—On the traps of Western and Central India. *Price Rs.* 2-8.

Part 3, Blanford.—Geology of the Taptee and Lower Nerbudda Valleys. Wynne.—Frog-beds in Bombay. Stoliczka.—Oxyglossus pusillus. *Price Rs.* 5.

Volume VII.—Part 1, Mallet.—On the Vindhyan series in the North-Western and Central Provinces.—Oldham.—Mineral Statistics of India. Coal.—Medlicott—Geology of the Shillong plateau, pp. 210, maps and illustrations. *Price Rs.* 2-8.

Part 2, Hughes.—On the Kurhurbari Coal-field. Hughes.—On the Deoghur Coal-fields, pp. 48, Maps. *Price Re.* 1-8.

Part 3, Mallet.—Aden water-supply.—Hughes.—Karanpura Coal-fields. *Price Rs.* 2.

Records of the Geological Survey of India, being shorter papers exhibiting the current labors of the Survey. A number is published every three months,—in February, May, August, and November. Three numbers have appeared for 1868, and four each for 1869, 1870, and 1871.

Subscription for the year Rs. 2. *Price of each number* 1 *Rupee. Postage for India* 4 *annas additional per annum.*

Palæontologia Indica, being figures and descriptions of the organic remains obtained during the progress of the Geological Survey of India. These are published in fasciculi, each containing six lithographed plates, Roy. 4to., with descriptions, or a correspondingly larger amount of letter-press. A fasciculus is issued every three months, or on the 1st of January, April, July, and October in each year. *Price Rs.* 2.

The following have already appeared :—

Ser. I.—The Fossil Cephalopoda of the Cretaceous Rocks of Southern India (Belemnitidæ-Nautilidæ), 25 Plates, with letter-press. *Price Rs.* 7-8 (15*s.*)

Ser. II.—The Fossil Flora of the Rajmahal Series. Six fasciculi have been published. *Price Rs.* 12 (£1-4*s.*)

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Ser. I & III, or the complete Series of the Cephalopoda, may be had bound together, pp. xxiv, 216, 95 Plates. *Price Rs.* 31-8 (£3-3*s.*)

Ser. IV, 1.—The Vertebrate Fossils from the Panchet Rocks, by Prof. T. H. Huxley. *Price Rs.* 2 (4*s.*)

Ser. V, 1—10.—The Gastropoda of the Cretaceous Rocks of Southern India. Complete, half-bound, lettered, pp xiii, 500, 28 Plates. *Price Rs.* 20 (£2.)

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Ser. VI, 1—13.—The Pelecypoda, (Bivalves) of the Cretaceous Rocks of Southern India, complete half bound, 50 Plates. *Price Rs.* 26 (£2-12*s.*)
[Only a limited number of copies are printed.]

Chronological Table for 1871. *Price* 4 *as.*

The above to be had at the Geological Survey Office, 1, *Hastings Street; at the Office of Superintendent of Government Printing,* 8, *Hastings Street; or through any Bookseller.*

GOVERNMENT OF INDIA—PUBLIC WORKS DEPARTMENT.

No. 1.—Progress Report of Forest Administration in the Central Provinces, 1863-64. By Captain G. F. Pearson, 33rd M. N. I., Conservator of Forests, Central Provinces, accompanied by a Memorandum thereon by Dr. D. Brandis, Inspector General of Forests. To which is appended a Report by Dr. Brandis on his deputation to the Central Provinces in 1863-64. *Price Re.* 1.

No. 2.—Progress Report of Forest Administration in British Burmah, 1863-64. By H. Leeds, Esq., Officiating Conservator of Forests, British Burmah, with a Memorandum thereon by Dr. D. Brandis, Inspector General of Forests. To which are appended other papers and correspondence regarding Forests, and the system of working them in these parts. *Price Re* 1.

No. 3.—Report upon the Deodar Forests of Bussahir, to which are appended Registers of Valuation, Forest Surveys in Bussahir and the District of Jounsar, Bawur. With other statements relating to the growth of the Deodar Tree in the Western Himalaya. Being the result of a joint examination of the Bussahir Forest by D. Brandis, Ph. D., Inspector General of Forests to the Government of India, J. L. Stewart, M.D., Officiating Conservator, Punjab, and Captain E. Wood, Officiating Conservator, Oudh: With a Map illustrating the situation of the Forests. *Price Re.* 1-8.

No. 4.—Papers relating to Railway Communication between Bombay and the North-Western Provinces. Extending over the years 1864-65. *Price Re.* 1-8.

No. 5.—Report of the Operations on Light-houses during the season of 1864-65. By Lieut. Col. A. Fraser, R.E., Superintendent of Light-houses. *Price Re.* 1-8.

No. 6.—Third Annual Report on the Management and Conservancy of the Oudh Forests for the forest year ending September 30th, 1864. By Captain E. S. Wood, Officiating Conservator, Oudh Forests. *Price Re.* 1.

No. 7.—Progress Report of Forest Administration in British Burmah, 1864-65. By H. Leeds, Esq., Officiating Conservator of Forests, British Burmah. *Price Re.* 1.

Code of Regulations for the Public Works Department, with Rules for the guidance of the Barrack Department. Third edition, revised and corrected up to 1st January 1870,—*Price Rs.* 4; *packing and postage Re.* 1 *extra; interleaved copies Rs.* 5; *packing and postage Re* 1-6.

Forms referred to in the Code, Parts I to III.—*Price Re.* 1-8 *each; packing and postage* 8 *annas extra each Part.*

Papers relating to the extension of Railway Communication in India, in continuation of papers contained in Reprint No. 4 of Records in Public Works Department, and concluding with Secretary of State's despatch No. 42 of 1869, passing orders on the various proposals submitted by the Government of India; 3 vols., with Supplement and a packet of Maps. *Price Rs.* 16 *the set, or Rs.* 4 *per vol. Supplement and Maps Rs.* 2 *each.*

Supplement for 1866 to Extracts from Code of Regulations for the P. W. Department, with Rules for the guidance of the Barrack Department. *Price Re.* 1.

Half-yearly Supplement to Extracts from Code of Regulations for the Public Works Department, with Rules for the guidance of the Barrack Department, from 1st January to 30th June 1869, with Forms Nos. 147 and 148. *Price Re.* 1 *each.*

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The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 10, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

[Second Publication.]

The following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honour to report that we have considered the Bill and the papers noted in the Appendix and have come to the following resolutions, which we now submit in the form of a preliminary report.

RESOLUTION 1.—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of rupees 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of habeas corpus, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

RESOLUTION 2.—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

RESOLUTION 3.—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.
G. CAMPBELL.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30th January 1872.

APPENDIX.

Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding
Letter from Secretary to Chief Commissioner, British Burma, No. 95-9, dated 22nd March 1869, and enclosure.
Petition from Mukhtárs of Berhampore, dated 2nd May 1869.
Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding
Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding
Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosures.
Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding
Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.
From Registrar, High Court, Calcutta, No. 584, dated 21st June 1869.
Endorsement, Home Department, No. 925, dated 30th June 1869, forwarding
Letter from Acting Secretary to Government, Bombay, No. 1675, dated 31st May 1869, and enclosures.
Endorsement, Home Department, No. 1106, dated 3rd August 1869, forwarding
Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. [illegible], dated 16th July 1869, and enclosures.
From Secretary to Government, Madras, No. 1360, dated 18th August 1869, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 541-9, dated 21st August 1869, and enclosure.
Petition from Dwarkanauth Bukshee and others, dated 31st August 1869.
From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
Endorsement, Home Department, No. 1520, dated 10th October 1869, forwarding
Letter from Secretary to Government, Bengal, No. 469T, dated 22nd September 1869, and enclosures.
Endorsement, Home Department No. 1769, dated 8th December 1869, forwarding
Letter from Acting Under Secretary to Government, Bombay, No 4161, dated 24th November 1869.
From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosures.
Endorsement, Home Department, No. 61, dated 10th January 1870, forwarding
Letter from Acting Under Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
From Military Department, No. 556, dated 12th January 1870, and enclosures.
Endorsement, Home Department, No. 131, dated 17th January 1870, forwarding
Letter from Secretary to Government, North-Western Provinces, No 13A, dated 6th January 1870, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.
„ Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.
„ Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.
„ Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosures.
Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding
Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosures, and
Despatch from Secretary of State, No. 39, dated 21st October 1868.
From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.
„ Secretary to Government, Panjáb, No. 613, dated 5th May 1870, and enclosures.
„ Officiating Under Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
Office Memorandum, Home Department, No. 903, dated 27th May 1870.
Endorsement, Home Department, No. 1224, dated 11th July 1870, forwarding
Office Memorandum, Financial Department, No. 1277, dated 22nd June 1870, and enclosure.
Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.
From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosures.
From Government of Bombay, No. 2899, dated 30th July 1870, and enclosure.
Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding
Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.
From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.
Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding
Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870, and enclosures.
From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosures.
From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.
From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.
From Acting Under Secretary to Government, Bombay, No. 3810, dated 8th October 1870.
Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding
Judicial despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and connected correspondence.

From T. H. Thornton, Esq., dated 24th November 1870, and enclosures
„ Secretary to Government, Bombay (no No. and date), and enclosure.
„ Officiating Legal Remembrancer, No. 1450, dated 16th December 1870.
Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding
Letter from Secretary to Government, Panjáb, No. 1796, dated 27th December 1870, and enclosures.
Endorsement, Home Department, No. 84, dated 20th January 1871, forwarding
Letter from Under Secretary to Government, Panjáb, No. 1777, dated 23rd December 1870, and enclosures.
From Judge of Bhagulpore, No. $\frac{c\,o}{28}$, dated 23rd January 1871.
Office Memorandum, Home Department, No. 103, dated 24th January 1871.
Endorsement, Home Department, No. 134, dated 2nd February 1871, forwarding
Letter from Registrar, High Court, No. 51, dated 17th January 1871.
Endorsement, Home Department, No. 87, dated 11th February 1871, forwarding
Letter from Under Secretary to Government, Panjáb, No. 279, dated 19th January 1871, and enclosure.
From Officiating Junior Secretary to Chief Commissioner, Oudh, No. 868, dated 17th February 1871, and enclosures.
Endorsement, Home Department, No. 250, dated 20th February 1871, forwarding
Letter from Chief Secretary to Government, Fort Saint George, No. 100, dated 26th January 1871, and enclosure.
Endorsement, Home Department, No. 254, dated 21st February 1871, forwarding
Letter from Officiating Civil and Sessions Judge, Nuddea, No. 66, dated 4th February 1871.
Note by the Hon'ble Mr. Shaw Stewart, dated 26th February 1871.
From Officiating Junior Secretary to Government, North-Western Provinces, No. 39A, dated 28th February 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 884, dated 2nd March 1871, and enclosure.
„ Chief Secretary to Government, Madras, No. 300, dated 13th March 1871, and enclosure.
Endorsement, Home Department, No. 436, dated 25th March 1871, forwarding
Letter from Officiating Junior Secretary to Government, Bengal, No. 727, dated 18th February 1871, and enclosures.
From H Birdwood, Esq., to Hon'ble F. S. Chapman (no date).
Memorandum by C. D. Field, Esq., dated 1st April 1871.
Note by Officiating Deputy Commissioner, Goojranwalla, dated 3rd April 1871.
From Acting Under Secretary to Government, Bombay, No. 1531A, dated 12th April 1871, and enclosures.
„ Junior Secretary to Government, Bengal, No. 1799, dated 20th April 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 1954, dated 13th May 1871, and enclosures.
Endorsement, Foreign Department, No. 150J, dated 8th July 1871, forwarding
Letter from Under Secretary to Government, Bombay, No. 2675, dated 11th July 1871, and enclosure.
Endorsement, Home Department, No. 1181J, dated 14th July 1871, forwarding
Letter from Officiating Secretary to Government, Panjáb, No. 876, dated 23rd June 1871, and enclosures.
From Officiating Secretary to Chief Commissioner, Coorg, No. $\frac{272}{3}$, dated 27th July 1871, and enclosures.
From Secretary to Government, North-Western Provinces, No. 207A, dated 14th August 1871, and enclosure.
„ „ „ Panjáb, No. 1145, dated 14th August 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 3215, dated 18th August 1871, and enclosure.
Note by Officiating Deputy Commissioner, Gonda, dated 26th August 1871.
From Officiating Secretary to Government, Panjáb, No. 1273, dated 5th September 1871, and enclosure.
„ Officiating 2nd Assistant Resident, Hyderabad, No. 2, dated 7th September 1871, and enclosures.
„ Officiating Assistant Secretary to Chief Commissioner, British Burma, No. $\frac{24}{18}$, dated 9th September 1871.
Endorsement, Home Department, No. 1518, dated 14th September 1871, forwarding
Proceedings of Government, North-Western Provinces (Criminal) for May 1871.
„ Home Department, No 1521J, dated 15th September 1871, forwarding
Office Memorandum from Financial Department, No. 2785, dated 16th August 1871.
From Secretary to Government, Bengal, No. 4732, dated 3rd October 1871, and enclosure.
„ Officiating Secretary to Chief Commissioner, Central Provinces, No. $\frac{1248}{1371}$, dated 9th October 1871, and enclosures.
„ Assistant Secretary to Government Madras, No. 157, dated 25th October 1871, and enclosures.
„ Officiating Secretary to Chief Commissioner, Oudh, No. 5041, dated 2nd November 1871, and enclosures.
„ D. G. Barkley, Esq., dated 2nd November 1871.
„ Secretary to Government, Bengal, No. 5457, dated 4th November 1871, and enclosures.
„ Officiating Secretary to Government, Bengal, No. 6064, dated 30th November 1871.
„ Secretary to Government, North-Western Provinces, No. 369, dated 6th December 1871, and enclosure.
„ „ „ Bombay (no date.)
„ „ „ Madras, No. 172, dated 7th December 1871.
„ „ „ Bengal, No. 6394, dated 15th December 1871.
„ „ „ Panjáb, No. 1756, dated 16th December 1871, and enclosures.
„ „ „ Bengal, No. 6629, dated 23rd December 1871.
„ Chief Secretary to Government, Madras, dated 4th January 1872, forwarding
Opinion by J. D. Mayne, Esq.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Second Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulation on the 30th January 1872 :—

Second Report of the Select Committee.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Indian Evidence Bill was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Petition from certain Barristers and Advocates of Bombay, dated 18th August 1871.
From Officiating Secretary to Chief Commissioner of Coorg, No. $\frac{8}{4}\frac{4}{6}$, dated 4th October 1871, and enclosures.
From certain Pleaders of the High Court, Bombay, dated 4th October 1871.
From Officiating Secretary to Chief Commissioner of Coorg, No. $\frac{4}{8}\frac{8}{0}$, dated 9th October 1871, and enclosure.
From Chief Secretary to Government, Fort Saint George, No. 166, dated 21st November 1871, and enclosures.
From F. J. Fergusson, Esq., Barrister, High Court, Calcutta, dated 8th December 1871, forwarding Memorial from Barristers and Advocates, High Court, Calcutta
From Secretary to Chief Commissioner, Central Provinces, No. $\frac{2640}{156}$, dated 6th December 1871, and enclosures.
From Officiating Secretary to the Government of Bengal, No. 6326J, dated 13th December 1871, and enclosures
Memorial from certain Members of the Madras Bar, dated 16th December 1871
From Secretary to Government, Panjáb, No. 1745, dated 13th December 1871, and enclosures.
From Officiating Registrar, High Court, Calcutta, No. 3936, dated 18th December 1871.
From Officiating Secretary to Chief Commissioner, Oudh, No. 5719, dated 22nd December 1871, and enclosures.

1. We have made some alterations in the arrangement of the Bill.

2. We have omitted the definitions of "proof" and "moral certainty" and the sections relating to inferences to be drawn by the Court as being suitable rather for a treatise than an Act.

3. We have omitted the provisions relating to material evidence and have given a new and simpler definition of the difference between primary and secondary evidence.

4. We have provided that the Act shall apply to all judicial proceedings, but not to affidavits presented to any Court or officer, nor to proceedings in arbitration.

5. As to the effect of an admission by one of several persons jointly tried for an offence, we have omitted sections 120 and 121 of the original Bill. Instead of these, we have provided that when two or more persons are on their trial for the same offence at the same time, and an admission is proved against one of them, which affects others of the accused besides himself, it may be taken into consideration by the Court against all the persons whom it affects.

6. We have redrawn Chapter VI, as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now represent the English law on the subject freed from certain refinements which would not be suitable for this country.

7. Exception was taken to the Bill in several quarters on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows:

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 103 to 108 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 111, 112.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference', which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country and likely to produce great inconvenience if it were introduced. We have accordingly, by section 113, put all such presumptions in the position of mere presumptions of fact with which the Court can deal at its discretion.

We have provided in the Chapter on the Burden of Proof that a Notification in the Gazette that a territory has been ceded to a Native State shall be conclusive proof of a valid cession at the date mentioned in the Notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the law of evidence, because they do not belong to the subject and because many of them are fictitious.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend the omission of sections 141 to 145 of the old draft, as to questions to credit asked by barristers or pleaders, and the substitution of provisions showing the principles by which the asking of such questions should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

10. We have amended the wording of section 166 as to the Judge's power to ask questions. The section as originally drawn might have been taken to authorize him to found his judgment upon irrelevant matter, such as loose rumours. The intention of the section was to give him the fullest possible power of inquiry for the discovery of relevant matter. The section as now drawn makes this clear.

11. We have omitted the chapter as to the duties of Judges and Juries, which will, we think, be more properly placed in the Code of Criminal Procedure. We have also omitted the provisions as to appeal in the first draft, and have substituted for them section 57 of Act II of 1855, which provides for the cases in which the improper admission or rejection of evidence shall be ground for a new trial or reversal of a decision.

12. Subject to these amendments we recommend that the Bill be passed, but we also recommend that the amended Bill *be* published in the Gazette, and that this report be not taken into consideration for a month from the date of its publication.

J. F. STEPHEN.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30*th January* 1872.

THE INDIAN EVIDENCE BILL.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

SECTION.

1. Short title.
   Extent.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. "May presume."
   "Shall presume."
   "Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given of facts in issue and relevant facts.
6. Facts forming part of same transaction.
7. Facts which are occasion, cause, or effect of facts in issue.
8. Motive, preparation and subsequent conduct.
9. Facts necessary to explain or introduce relevant facts.
10. Things said or done by conspirator in reference to common design.
11. When facts not otherwise relevant become relevant.
12. In suits for damages, evidence may be given of facts tending to determine amount.
13. Facts relevant when right or custom is in question.
14. Facts showing existence of state of mind, or of body or bodily feeling.
15. Act forming part of series of occurrences.
16. Course of business when relevant.

ADMISSIONS.

17. Admissions defined.
18. Admissions by parties interested in subject-matter.
19. Admissions by persons whose position must be proved as against party to suit.
20. Admissions by persons expressly referred to by party to suit.
21. Relevancy of admissions against or in behalf of persons concerned.
22. When oral admissions as to contents of documents are relevant.
23. Admissions in civil cases when relevant.
24. Admission of crime caused by inducement, threat, or promise irrelevant.
25. Confession made to a police officer shall not be used as evidence.
26. Confession made while the accused is in custody of the police shall not be used as evidence.
27. So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.
28. Admission made after removal of impression caused by inducement, threat, or promise relevant.

SECTION.

29. Admission otherwise relevant not irrelevant on certain grounds.
30. Consideration of proved admission affecting person making it and others jointly under trial for same offence.
31. When admissions are conclusive proof.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. When statement by person who is dead or cannot be found, &c., is relevant.
    Statement as to cause of death.
    Statements in course of business.
    Statements against interest.
    Matters of general interest.
    As to relationship.
    Recitals as to relationship in deeds.
    Statements in deeds.
33. Evidence in a former judicial proceeding when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account.
35. Entry in public record, made in performance of duty enjoined by law, when relevant.
36. Maps and plans when relevant.
37. Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.
38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. Previous judgments relevant to bar a second suit or trial.
41. Judgments in probate, &c., jurisdiction.
42. Judgments, order, or decree between third parties when irrelevant and when not.
43. Fraud, collusion, and incompetency of Court may be proved.
44. What judgments, &c., not relevant.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. Opinions of experts.
46. Facts bearing upon opinions of experts.
47. Opinion as to hand-writing.
48. Opinion as to existence of right or custom, when relevant.
49. Opinions as to usages, tenets, &c., when relevant.
50. Opinion on relationship, when relevant.
51. Grounds of opinion, when relevant.

CHARACTER WHEN RELEVANT.

52. In civil cases, character to prove conduct imputed irrelevant.
53. In criminal cases, previous good character relevant.
54. Previous conviction in criminal trials relevant, but not previous bad character, except in reply.
55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

56. No evidence required of relevant fact judicially noticed.
57. Facts of which Court must take judicial notice.
58. Facts admitted.

SECTION.

CHAPTER IV.—OF ORAL EVIDENCE.

59. Proof of facts by oral evidence.
60. Oral evidence must be direct.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. Proof of contents of documents.
62. Primary evidence.
63. Secondary evidence.
64. Proof of documents by primary evidence.
65. Cases in which secondary evidence relating to documents may be given.
66. Rules as to notice to produce.
67. Proof of signature and hand-writing of person alleged to have signed or written document produced.
68. Proof of execution of document required by law to be attested.
69. Proof where no attesting witness found.
70. Admission by party of execution.
71. Proof when attesting witness denies the execution.
72. Proof of document not required by law to be attested.
73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

74. Public documents.
75. Private documents.
76. Certified copies of public documents.
77. Production of such copies.
78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS.

79. Presumption as to genuineness of certified copies.
80. Presumptions on production of record of evidence.
81. Presumption as to Gazettes.
82. Presumption as to documents admissible in England without proof of seal or signature.
83. Proof of maps made for purposes of any cause.
84. Presumption as to collections of laws and reports of decisions.
85. Presumption as to powers of attorney.
86. Presumption as to certified copies of foreign judicial records.
87. Presumption as to books and maps.
88. Presumption as to photographs, machine copies, and telegraphic messages.
89. Presumption as to due execution, &c., of documents not produced.
90. Documents thirty years old.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. Evidence of terms of written contract.
92. Exclusion of evidence of oral agreement.
93. Exclusion of evidence to explain or amend ambiguous document.
94. Exclusion of evidence against application of document to existing facts.
95. Evidence as to document unmeaning in reference to existing facts.
96. Evidence as to application of language which can apply to one only of several persons.
97. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.
98. Evidence as to meaning of illegible characters, &c.

SECTION.

99. Who may give evidence as to matter to which document relates.
100. Saving of provisions of Indian Succession Act relating to wills.

Part III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Burden of proof.
102. General burden of proof.
103. Burden of proof as to particular fact.
104. Burden of proving fact to be proved to make evidence admissible.
105. Burden of establishing general exceptions.
106. Burden of proving fact especially within knowledge.
107. Burden of proof as to continuance of life.
108. Burden of proof as to death.
109. Burden of proof as to partnership, tenancy, and agency.
110. Burden of proof as to ownership.
111. Proof of good faith in transactions where one party is in relation of active confidence.
112. Birth during marriage, conclusive proof of legitimacy.
113. Proof of cession of territory.
114. Court may presume existence of certain facts.

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.
116. Estoppel of tenant.
117. Estoppel of acceptor of bill of exchange, bailee, or license.

CHAPTER IX.—OF WITNESSES.

118. Who may testify.
119. Dumb witnesses.
120. Married persons in civil and criminal proceedings.
121. Judges and Magistrates.
122. Communications during marriage.
123. Evidence as to affairs of State.
124. Official communications.
125. Information as to commission of offences.
126. Professional communications.
127. Section 126 to apply to interpreters, &c.
128. Waiver of privilege if party volunteers evidence.
129. Confidential communication with legal advisers.
130. Production of witness' title-deeds.
131. Production of documents belonging to another person.
132. Witness bound to answer criminating questions.
Proviso.
133. Accomplice.
134. Number of witness.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witnesses.
136. Judge to decide as to relevancy of facts.
137. Examination-in-chief.
Cross-examination.
Re-examination.

SECTION.

138. Order of examinations. Direction of re-examination.
139. Cross-examination of person called to produce a document.
140. Witnesses to character.
141. Leading questions.
142. When they must not be asked.
143. When they may be asked.
144. Evidence as to matters in writing.
145. Cross-examination as to previous statements in writing.
146. Questions lawful in cross-examination.
147. When witness to be compelled to answer.
148. Court to decide when question shall be asked and when witness compelled to answer.
149. Questions not to be asked without reasonable grounds.
150. Procedure of Court in case of question being without reasonable grounds.
151. Indecent and scandalous questions.
152. Questions intended to insult or annoy.
153. Exclusion of evidence to contradict answers to questions testing veracity.
154. Cross-examination by party producing witness.
155. Impeaching credit of witness.
156. Corroborative facts are relevant.
157. Evidence in reply to evidence of former inconsistent statements.
158. Refreshing memory.
Court may permit a copy of document to be used to refresh memory.
159. Testimony to facts stated in document mentioned in section 158.
160. Producing writing used to refresh memory.
161. Production of documents.
Translation of documents.
162. Giving as evidence of document called for and produced on notice.
163. Giving as evidence of document production of which was refused on notice.
164. Judge's power to put questions or order production.
165. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

166. No new trial for rejection or improper reception of evidence.

SCHEDULE.

THE INDIAN EVIDENCE BILL.

[As amended by the Select Committee.]

Preamble.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Indian Evidence Act, 1872."

Extent.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

Commencement of Act.

and it shall come into force on the first day of September 1872.

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India.

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

Interpretation-clause.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court."

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition, of which any person is conscious.

Illustrations.

(*a.*) That there are certain objects arranged in a certain order in a certain place, is a fact.

(*b.*) That a man heard or saw something is a fact.

(*c.*) That a man said certain words is a fact.

(*d.*) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(*e.*) That a man has a certain reputation is a fact.

'Relevant.'

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.

At his trial the following facts may be in issue:—

That A caused B's death.

That A intended to cause B's death.

That A had received grave and sudden provocation from B.

That A at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

"Document."

Illustrations.

A writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

"Evidence" means and includes—

"Evidence."

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

"Proved."

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

"Disproved."

A fact is said not to be proved when it is neither proved nor disproved.

"Not proved."

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

"May presume."

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

"Shall presume."

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

"Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Evidence may be given of facts in issue and relevant facts.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

Illustration.

(*a.*) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(*b.*) A suitor does not bring with him and have in readiness for production at the first hearing of the case a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.

Facts forming part of same transaction.

Illustrations.

(*a.*) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transaction, is a relevant fact.

(*b.*) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d.*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction are relevant.

Facts which are occasion, cause, or effect of facts in issue.

Illustrations.

(*a.*) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b.*) The question is, whether A murdered B.

Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(*c*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison are relevant facts.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

Motive, preparation and subsequent conduct.

The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(*c.*) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d.*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(*g.*) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h.*) The question is whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant.

as a dying declaration under section 32. (1), or

as corroborative evidence under section 157.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant as

as a dying declaration under section 32 (1), or

as corroborative evidence under section 157.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—'A says you are to hide this' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of shewing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any relevant fact highly probable or improbable.

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages, evidence may be given of facts tending to determine amount.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

Facts relevant when right or custom is in question.

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is relevant.

Facts showing existence of state of mind, or of body or bodily feeling.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(*c.*) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d.*) The question, is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e.*) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(*f.*) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

(*g.*) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h.*) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i.*) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j.*) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.

(*k.*) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(*l.*) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m*) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n*) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that A's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o.*) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(*p.*) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Act forming part of series of occurrences.

Illustrations.

(*a.*) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental

(*b.*) A is employed to receive money from the debtors of B It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c.*) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business according to which it naturally would have been done is a relevant fact.

Illustrations.

(*a.*) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b.*) The question is, whether a particular letter reached A The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, oral or documentary, which suggests any inference as to any relevant fact, and which is made by any of the persons hereinafter mentioned.

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suits sued in a representative character are not admissions, unless they were made while the party making them held that character.

Admissions by parties interested in subject-matter.

18. Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Illustration.

The question is whether a horse sold by A to B is sound.

A says to B 'Go and ask C, C knows all about it.' C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who denies the inference which they suggest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases :—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any relevant state of mind or body made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the Captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(*c.*) A is accused of a crime committed by him at Calcutta

He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because, if A were dead out, it would be admissible under section 32 (2).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Admission of crime caused by inducement, threat or promise irrelevant.

24. An admission made by an accused person is irrelevant in a criminal proceeding if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession made to a Police officer shall not be used as evidence.

25. No admission of guilt made to a Police officer, shall be proved as against a person accused of any offence.

Confession made while the accused is in custody of the Police shall not be used as evidence.

26. No admission of guilt made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

Admission made after removal of impression caused by inducement, threat or promise relevant.

28. If such an admission as is referred to in section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

Admission otherwise relevant not irrelevant on certain grounds.

29. If such an admission is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such admission, and that evidence of it might be given against him.

Consideration of proved admission affecting person making it and others jointly under trial for same offence.

30. When more persons than one are being tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved, the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C," the Court may consider the effect of this admission as against B.

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

When admissions are conclusive proof.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

When statement by person who is dead or cannot be found, &c., is relevant.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

Statement as to cause of death.

(1.) When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

Statements in course of business.

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

Statements against interest.

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

Matters of general interest.

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

As to relationship.

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

Recitals as to relationship in deeds.

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen clause *(a)*.

Statements in deeds.

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(*a*.) The question is, whether A was murdered by B.; or

A dies of injuries received in a transaction in the course of which she was ravished The question is whether she was ravished by B.: or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death referring respectively to the murder, the rape, and the actionable wrong under consideration are relevant facts.

(*b*.) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c*.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d*.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e*.) The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(*f*.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g*.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h*.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i*.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j*.) The question is, what was the price of grain on a certain day in a particular market. A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact.

(*k*) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l*.) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

(*m*.) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact

(*n*.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving the truth of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Evidence in a former judicial proceeding when relevant.

Provided that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section; and an enquiry before a Magistrate shall be deemed to be an earlier stage of a judicial proceeding, of which the trial before the Magistrate or the Court of Session is a later stage.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Entries in books of account.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount The entries are relevant, but are not sufficient without other evidence to prove the debt.

35. An entry in any public or other official book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Entry in public record, made in performance of duty enjoined by law when relevant.

36. Statements of relevant facts made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Maps and plans when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain

Statements in law-books.

any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgments, order or decree between third parties when irrelevant and when not.

42. Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in sections 40, 41 and 42, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant under some other provision of this Act.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

Illustrations.

(*a.*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

Facts bearing upon opinions of experts.

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a*) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(*b.*) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c, when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under Section 494, 495, 497 or 498 of the Indian Penal Code.

Illustrations.

(*a.*) The question is whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(*b.*) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which [reputation or] disposition were shown.

PART II

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED

No evidence required of relevant fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal

Acts directed by such Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

Explanation.—The word 'Parliament' in clauses (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, of England, of Scotland and of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette:

(10.) The territories under the dominion of the British Crown:

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons;

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates attornies, proctors, vakíls, pleaders and other persons authorized by law to appear or act before it:

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the

accuracy of the copy, and copies compared with such copies.

(3.) Copies made from or compared with the original.

(4.) Counterparts of documents as against the parties who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a*.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b*.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c*.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d*.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—

(*a*.) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(*b*.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(*c*.) When the original is of such a nature as not to be easily moveable.

(*d*.) When the original is a public document within the meaning of section 74.

(*e*.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(*f*.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*b*) and (*c*), any secondary evidence of the contents of the document is admissible.

In cases (*d*) or (*e*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*f*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section 65 (*a*) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—

(1.) When the document to be proved is itself a notice.

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it.

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.

(4.) When the adverse party or his agent has the original in Court.

(5.) When the adverse party or his agent has admitted the loss of the document.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission by party of execution.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved

to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents :—

1. Documents forming the Acts, or records of the Acts—

(1) of the sovereign authority,

(2) of official bodies and tribunals, and

(3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows :—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified by any officer in British India or by any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine: Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such paper purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumptions on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed

by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to documents admissible in England without proof of seal or signature.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made for purposes of any cause.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

Presumption as to collections of laws and reports of decisions.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

Presumption as to powers of attorney.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to certified copies of foreign judicial records.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to books and maps.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to photographs, machine copies and telegraphic messages.

88. The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to due execution, &c., of documents not produced.

89. The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

Documents thirty years old.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

Illustrations.

(*a.*) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b.*) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c.*) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

Evidence of terms of written contract.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to

in this section, shall not preclude the admission of oral evidence of the same fact.

Illustrations.

(*a*.) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b*.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c*.) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d*.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e*.) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

Exclusion of evidence of oral agreement.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a*). A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b*). A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c*). An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d*). A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(*e*). A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(*f*). A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g*). A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(*h*). A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i*). A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(*j*). A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a*.) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(*b*.) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

(*a.*) A agrees to sell to B for Rs. 1,000 "my white horse" A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b.*) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my mods.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence as to matter to which document relates.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the term of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865,) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

General burden of proof.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations.

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond.

The execution of the bond is not disputed, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a.*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.

(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

Burden of establishing general exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.

The burden of proof is on A.

(*c*) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing hurt under section 325.

The burthen of proving the circumstances, bringing the case under section 335, lies on the prisoner.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustration.

(*a.*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(*b.*) A is charged with travelling in a railway without a ticket, the burden of proving that he had a ticket is on him.

Burden of proof as to continuance of life.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to death.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Burden of proof as to ownership.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Proof of good faith in transactions where one party is in relation of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Birth during marriage, conclusive proof of legitimacy.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Proof of cession of territory.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Court may presume existence of certain facts.

Illustrations.

The Court may presume—

(*a.*) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(*b.*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars.

(*c.*) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(*e.*) That judicial and official acts have been regularly performed.

(*f.*) That the common course of business has been followed in particular cases.

(*g.*) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it.

(*h.*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him.

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (*f*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Estoppel.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of tenant.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

Who may testify.

118. All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness, who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a*). A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.

(*b*). A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the Superior Court.

(*c*). A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(*a*.) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me.'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b*) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c*.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, &c.

127. The provisions of section 126 shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakíls.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section 126; and if any party to a suit or proceeding calls any such barrister, attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Waiver of privilege if party volunteers evidence.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

Confidential communication with legal advisers.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of witness' title-deeds.

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Production of documents belonging to another person.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Witness bound to answer criminating questions.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Proviso.

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Accomplice.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

Number of witness.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Order of production and examination of witnesses.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

Judge to decide as to relevancy of facts.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a.*) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b.*) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c.*) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d.*) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

Cross-examination.

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

Re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

Order of examinations. Direction of re-examination.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examin-

ation; and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading questions.

141. Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend

(1). to test his veracity;

(2). to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d.*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a.*) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b.*) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c.*) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d*) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Cross-examination by party producing witness.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court, by the party who calls him :—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a.*) A sues B for the price of goods sold and delivered to B.

C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b.*) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Corroborative facts are relevant.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances if proved would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

Evidence in reply to evidence of former inconsistent statements

158. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

Refreshing memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

Court may permit a copy of document to be used to refresh memory.

An expert may refresh his memory by reference to professional treaties.

159. A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Testimony to facts stated in document mentioned in section 158.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

160. Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

Producing writing used to refresh memory.

161. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

Production of documents.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence, and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Translation of documents.

162. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document called for and produced on notice.

163. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Giving as evidence of document production of which was refused on notice.

Illustration.

A sues B on an agreement and gives B notice to produce it At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

164. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Judge's power to put questions or order production.

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which he would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131 if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

165. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses through or by leave of the Judge which the Judge himself might put and which he considers proper.

Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

166. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that if the rejected evidence had been received, it ought not to have varied the decision.

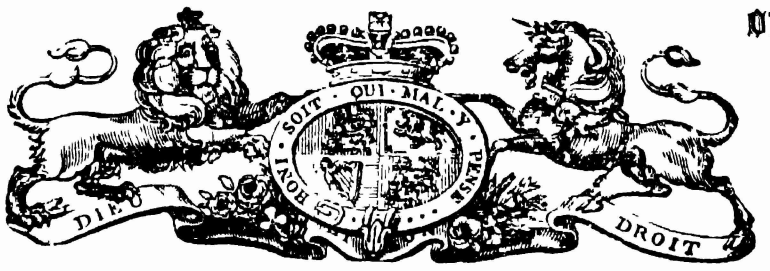
No new trial for rejection or improper reception of evidence.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.
Stat. 26 Geo. III, C. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.	Stat. 14 & 15 Vic.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
			Act XV of 1852	To amend the Law of Evidence.	The whole Act.
			Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
			Act II of 1855	For the further improvement of the Law of Evidence.	The whole Act.
			Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
			Act I of 1868 ..	The General Clauses Act, 1868.	Section seven.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 6 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 10, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, of which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Tuesday, the 30th January 1872.

PRESENT:

The Hon'ble John Strachey, Senior Member of the Council of the Governor General of India, *presiding*.
His Honour the Lieutenant Governor of Bengal.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.
The Hon'ble F. R. Cockerell.

OATHS AND DECLARATIONS ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN, on the resumption of the debate on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindús and Mahometans), moved that the Bill be recommitted. He said the Council would recollect that the debate in relation to this Bill was adjourned for a given time which expired to-day. During the interval, the matter had been considered by the Select Committee which had recommended that the Bill

should be passed, and after considerable discussion they came to the conclusion that the Bill should be made more explicit, and, therefore, that it would be better that it should be re-committed. He accordingly moved that the Bill be re-committed, in order that a new and better version of it might be brought out.

His Honour the Lieutenant-Governor said, he had a few words upon this subject to say. He was very glad to know that the Hon'ble Member in charge of the Bill had taken the course which he had announced, and His Honour believed that, substantially, there was not likely to be much difference of opinion in regard to the provisions of the Bill so far as it now went. Probably all were agreed that the ordinary use of the present form of solemn affirmation should be struck out of our procedure. But before the motion was passed, he wished to say one or two words in regard to the very difficult question upon which he confessed he had himself not made up his mind, namely, whether, in extraordinary circumstances and in special cases, solemn oaths should be used. The question which the Council would have to decide was, whether the religious sanction should be altogether eliminated from the administration of justice as an engine for getting at the truth. Now, in considering the matter, he thought that perhaps we were apt to look at this question too much from our own point of view. We belonged to a very civilised country and a very advanced society, in which truth was regarded as a virtue quite independently of oaths, and was supported by very strong social sanctions. On the other hand, it was his impression that, in most countries of the world, both in the East and the West, but more especially in the East, truth was in no respect looked upon as a public duty, and was not supported by social sanctions. His impression was that, although it might not be the ordinary human view that language was given to us to conceal one's thoughts, still the fact was that, in most countries, in by far the greater number of countries in various stages of civilisation, the opinion generally was, that a man was not bound to tell the truth, and that speech was a weapon which might be fairly used either to communicate the truth or to conceal it. His belief was that, whether we looked to the manners or practices of savage tribes, or to the standards by which the civilised ancients regulated their affairs, they did not think themselves bound to tell the truth to their disadvantage. If we looked to the commandments which we found in the earliest writings of our own faith, we did not find that truth was among the cardinal virtues of the first degree, and that it was prescribed as obligatory upon men. We did not find any commandment which said "Thou shalt not lie:" we only found the commandment which said "Thou shalt not bear false witness *against* thy neighbour;" there was nothing said about bearing false witness in favour of thy neighbour. If we looked to other parts of those writings, the principle inculcated by the most ancient was this, that you were not to foreswear yourselves; not that you should speak the truth upon all occasions, but that on solemn occasions you should not say that which was false. Now, you had here a country, India, which was somewhat in that stage in which, amongst people of all classes and all grades, there was no social sanction for truth. On the other hand, you had in India, as you had in all nations, a special sanctity attaching to what were called oaths; that was to say, when a man did not simply say "I speak the truth," but when he solemnly called God to witness, in one form or other, that he would speak the truth, then, by the concensus of all nations, he was bound to speak the truth at his peril and would suffer for it in the next world if he did not. As His Honour had said on a late occasion, he believed that when an oath of this kind was administered according to the forms and practice and ideas of the Natives of this country, there was no country in the world in which an oath was more effective than in India. The question was whether we were to discard and eliminate this engine from the administration of justice, which in all Native States had been considered the most powerful engine for eliciting the truth.

Well, the view which the Hon'ble Member in charge of the Bill had deemed it desirable to take, he believed, was this, that in our Courts and in the circumstances under which we administered oaths or affirmations, oaths were ineffectual, and we must rely on what he might call the secular sanction for eliciting the truth. We must tell witnesses and parties to suits that we did not administer an oath, but if they told a lie, they would go to jail. If that was an effectual and good protective sanction, it would be all very well. But when he looked to the practical administration of justice, to the terror which was held out to a witness if he told a lie, he feared that you relied upon a terror that had very little practical effect, for this reason, that the number of cases which were successfully prosecuted for perjury was very small indeed. When you came to analyse the small number of cases in which people were convicted of perjury, he believed that it would be the experience of all around him, not only that there was a small number of such cases, but also that in the greater number of these, owing to the procedure of our Courts, the parties were convicted of perjury simply because they had contradicted themselves, saying something different in one Court from what they had before said in another Court. There were a certain number of convictions on that ground; but convictions for perjury pure and simple, where you proved a man's words to be false, were, he might say without fear of contradiction, extremely rare. Consequently, the terror you could hold out in the shape of this secular sanction was very small indeed; he might almost say infinitesimally small. A witness could therefore snap his fingers at you: the chances were ten thousand to one that he would get off; he would say to himself "I shall not go to jail; therefore I shall speak what I like."

His Honour confessed that this was an extremely difficult subject, and one upon which he had not fully made up his mind. He admitted that there were some forms of oath, such as swearing upon a son's head, to which objection might fairly be taken, and he would not advocate the administration of that class of oaths; but if a Hindú considered the holding of a cow's tail a form of oath which his co-religionists respected, he did not see that there could be more objection to his doing so, than the requiring a Christian to kiss the Bible. The view, therefore, which he was inclined to suggest as being worthy of consideration would be, while granting that it was not desirable on all occasions to use the name of God Almighty, to consider whether it would be advisable to say that, on certain special occasions, an oath might be administered; whether it might not be possible to say that each Local Government, on the recommendation of the local High Court, should prescribe the particular forms of oath respected in the Provinces, which might be administered to witnesses and parties on certain solemn occasions; and whether the Court might not order or permit such an appeal to the oaths of parties for the settlement of a dispute. This subject was somewhat mixed up with civil procedure, and His Honour was not prepared to recommend any definite course at this moment, but he would venture to submit, for the consideration of the Committee, that it was a matter which ought not to be decided without very full and careful and anxious consideration. It was a question of overwhelming importance, whether we ought finally and completely to eliminate the religious sanction.

The Hon'ble Mr. Stephen said it appeared to him that His Honour the Lieutenant-Governor had overlooked the fact that the question at present before the Council was whether the Bill should be re-committed, and not whether any particular recommendation should be made to the Select Committee. It would rest with the Committee to make any recommendation which they thought it necessary and proper to make. Mr. Stephen would therefore suggest to His Honour that it would be for him, before the report of the Select Committee was made, to make up his mind as to a definite proposal; if he came to that determination, it would be in his power to propose an amendment

to that effect, assuming always that the Committee did not think it desirable that such oaths should be taken, and the matter would be taken into consideration when the subject was again brought before the Council.

The Hon'ble MR. ROBINSON thought that this was a matter which showed how important it was that the Native opinion of the country should be properly represented both in Council and in Committee. He had alluded to the absence of Native advice in the legislature on a former occasion, and felt himself bound to do so again on a question of this kind.

The Motion was put and agreed to.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STEPHEN also presented the preliminary report of the Select Committee on the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter. He need not remind the Council of the circumstances connected with the introduction of this Bill, and of the course which was taken when it was introduced. The Committee had received, as MR. STEPHEN had mentioned on a former occasion, a strong recommendation from more Local Governments than one, including that of Bengal, that the existing state of things with regard to the jurisdiction over European British subjects should be altered. These recommendations had been carefully considered, and the Committee had arrived at the conclusion that the time had come when the law on this subject might properly be altered, and they had prepared a preliminary report for the purpose of giving the widest publicity to their views, in order that the matter might receive full consideration by the public before the amended Bill was prepared and brought up before the Council for consideration with the view of its being passed into law. The Committee wished to secure the fullest possible discussion, at the earliest possible period, of the substantive changes which it was proposed to make in the law. In a Bill of so large an extent, there must of course be a large number of administrative changes in which the Committee must act for themselves, and on which it would be idle to consult the public at large. But with regard to general questions of broad principle, he thought it was very desirable that the public should have every opportunity of giving expression to their views. He proposed therefore to state now what the Committee recommended on the subject he had mentioned; and on one or two others of considerable importance. It was not proposed to pass this Bill until the end of March; he hoped that the early opportunity which was taken of giving publicity to the conclusions to which the Committee had come, would be sufficient to afford ample time for the fullest discussion of them by the public.

The Committee recommended with regard to jurisdiction over European British subjects:—

"(1.) That a full-power Magistrate, being a justice of the Peace, and being, in the case of Mofussil Magistrates, a European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of rupees 1,000.

"(2.) That a Sessions Judge, being a European British subject, should be empowered to pass a sentence on European British subjects of one year, or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

"(3.) That a European British subject convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

"(4.) That in every case in which a European is in custody, he may apply to a High Court for a writ of *habeas corpus*, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit."

MR. STEPHEN did not wish to enter at length into the reasons which had led the Committee to these conclusions. He might, however, say that an early amendment of the law in the way of a reasonable extension of the criminal jurisdiction over Europeans seemed to him absolutely necessary. As the law stood, a British subject could not be criminally punished by any tribunal other than the High Courts—a procedure which involved an immense deal of trouble and expense—except in a limited class of cases, such as petty assaults and the like, by fine extending to rupees 200, and, on non-payment of the fine, by imprisonment extending to two months. He could well understand how such a state of things came to exist. In former times, almost all the Europeans in the country held official positions, and would be liable to be punished by removal from their offices for any misconduct on their part, which was a considerable guarantee for their good conduct. The only other European residents were military men, who, of course, were subject to military tribunals and military discipline. But the number of Europeans now to be found in India had very largely increased, and their position in life was very different from what it was before. The degree in which they were subject to Government control, either as military men or persons in official employ, was weakened; and there was a much larger number of men over whom the Government had no hold whatever. It appeared to him, therefore, that every one would agree that the old state of the law was unsuitable to the state of things now existing, and that the only question as to which there could be any difference of opinion was the degree to which the criminal jurisdiction over British subjects should be extended: it was a matter in which no absolute line could be drawn; but a sort of rough analogy might be found in the jurisdiction of Magistrates and Courts of Quarter Session in England. The extent to which jurisdiction was proposed to be given over Europeans in the Mofussil was, in the case of conviction by a Justice of the Peace, imprisonment for three months, which, taking the imprisonment of a European in India as being twice as severe a punishment as his imprisonment in England, would be equal to imprisonment for six months in England. A Court of Session was empowered to pass a sentence of imprisonment for one year, which would correspond to two years' imprisonment in England. Since the passing of the Consolidation Acts of 1861, two years' imprisonment was in almost every case the greatest extent to which a person could be imprisoned in England. Therefore, what the Committee proposed might be said broadly and roughly to consist in subjecting Europeans in India to such punishments at the hands of the ordinary Courts as could be inflicted on them at home by Magistrates in petty or quarter Sessions.

With regard to that portion of the resolution of the Committee which related to writs of *habeas corpus*, what the Committee proposed was to render a matter certain which was now attended with considerable doubt and uncertainty.

There was another important subject upon which the Committee had come to the following resolution :—

"RESOLUTION 2.—We think that the provisions of the Code ought to be extended to proceedings in the Presidency towns, but not so as to vary the procedure now in force in trials by jury in the Presidency towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure."

The grounds of this recommendation were sufficiently obvious. There was an obvious importance in having one system in force throughout the whole country, and though the English system was no doubt originally better than the Indian system, he thought that the Indian system was now the better of the two. They did not propose, as at present advised, to interfere with the procedure in trials by jury in the Presidency towns. The conditions which rendered trials by jury desirable did exist to a considerable extent in such towns: they had in fact been in existence in Calcutta for he did not exactly know how long, but he believed for a hundred years and more, and in Madras and Bombay for a very considerable time. But setting aside the procedure as to trials by jury, if the other parts of the Code of Criminal Procedure were examined, there would be found very little reason why a similar procedure should

not be observed in all Courts. When a crime was committed, the offender would be arrested with or without a warrant according to the nature of the offence. He must be taken before a Magistrate who must commit him for trial before the Court of Session or the High Court; he would be tried, and if convicted, sentence would be passed. These were the steps to be observed under the Criminal Procedure Code, and it appeared to MR. STEPHEN that there was no good reason why there should be one system in one part of the country and another system in another part of the country. The matter would require to be very carefully considered in order that no mistakes should be made, and it might be found advisable to deal with the subject in a separate measure.

The third resolution had reference to a question which was referred to the Local Governments when this Bill was introduced; it was a question connected with the jury system in the Mofussil. The jury system, as the Council were aware, was introduced by the Criminal Procedure Code passed in 1861. It was then felt to be an experiment, because the whole system of trial by jury implied the existence of a state of things which was peculiar to a community of Englishmen, or a people with English ideas; and if it did succeed, it would succeed in spite of difficulties peculiar to India. The Committee had considerable doubts as to the course which ought to be taken in regard to the jury system in the Mofussil, and whether it ought to be maintained at all. There was, however, one point upon which they felt clear. They thought that the Judge, in cases in which he differed from the jury, should have power to refer the case to the High Court, and that the High Court should be empowered to pass final orders. In trials by jury a degree of finality attached to the verdict which attached to the decisions of no other tribunal in the country, and which was entirely opposed to the general spirit of the administration of justice in India. If a man was convicted before a Session Judge, he had an appeal to the High Court, where they discussed the whole matter, and if they thought justice had not been done, they would reverse the decision. In England this could not be done, and the effect was that an irregular appeal to the Home Secretary was in practice allowed, by which the ends of justice were often defeated. Here, if a jury convicted, their verdict was absolutely final; and the only remedy available when a man was unjustly convicted in that way was a petition to the Local Government or to the Governor General in Council, as the case might be, for the exercise of the prerogative of mercy. That was a power to which MR. STEPHEN thought there was the very strongest possible objection. The administration of the law was one thing, and the exceptional setting aside of the law was quite a different thing. He admitted that there might be exceptional cases where, owing to peculiar circumstances, it would be proper for the Government to interfere to mitigate sentences which the Judge was bound to pass. But it appeared to MR. STEPHEN altogether improper that a man should be permitted to say "the Judge thinks I am guilty, but I tell you that I am innocent." Substantially that was an appeal; but it was an appeal to a person who ought not to accept the appeal; such questions ought to be left to the judicial authorities. The information before the Committee upon this subject, and the experience of the members of the Committee, led strongly to the conclusion that failures of justice resulted from this circumstance.

Such were the resolutions of the Committee as to the three points of change in substantive procedure which they recommended, and they were brought forward in this way in order to give them the very widest publicity that they could have.

INDIAN EVIDENCE BILL.

The Hon'ble MR. STEPHEN then presented the second report of the Select Committee on the Bill to define and amend the Law of Evidence. He hoped that the Report of the Committee would be published in the Gazette next Saturday. This Bill had been very fully discussed in connection with the

papers received on the subject from all parts of the country. He might observe that there were various points which had been the subject of criticism, and amendments had been made in the Bill to meet those criticisms. He, however, was able say that, as far as he knew, there was a considerable concurrence of opinion that a law on this subject was wanted, and that this Bill should be passed substantially in its present form. Experience would show what further amendments would be required. He had the authority of many of the Judges of the High Courts to the fact that they considered it desirable that a Bill on this subject should be passed, although there were a great variety of suggestions as to particular amendments of the law. The amendments which had attracted most attention were certain sections of the Bill relating to the cross-examination of witnesses by barristers and advocates. The provisions in the Bill on this subject had been considerably altered, but he would not at present enter into any of the questions which were dealt with in the Report of the Committee. The alterations which the Committee recommended would be seen when the report was published. He proposed that the Bill should lie before the Committee for a reasonable time, and that it should be finally submitted to the Council four or five weeks after the publication of the Report.

The Council adjourned to Tuesday, the 13th February 1872.

CALCUTTA;
The 30th January 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ABSTRACT OF FOREIGN MESSAGES FOR THE MONTH OF SEPTEMBER 1871.

DESCRIPTION.	ROUTE								TOTAL.	
	VIA TEHERAN		VIA TURKEY		BY BRITISH INDIAN SUB MARINE CABLE		BY BRITISH INDIAN EXTENSION CABLE, &c			
	No	Indian Value	No	Indian Value	No	Indian Value	No	Indian Value	No.	Indian Share of Value
TO AND FROM INDIAN STATIONS *		Rs A		Rs A		Rs A		Rs A		Rs A.
Sent	526	3 915 4	860	3,552 2	1,173	7,662 14	289	1,660 12	2,848	16,791 0
Received	687	4,816 13	249	1,333 5	1,302	7,841 6	344	2,102 10	2,582	16,094 2
TOTAL ..	1,213	8,732 1	1,109	4,885 7	2,475	15,504 4	633	3,763 6	5,430	32,885 2
TRANSIT										
From East to West	1	4 12			858	4 267 12		.	859	4,272 8
" West to East ...	131	586 2	120	469 2	660	3,042 2	..		911	4,097 6
TOTAL ...	132	590 14	120	469 2	1,518	7,309 14	...	...	1,770	8 369 14
						GRAND TOTAL			7,200	41,255 0

* Including Kurrachee *viâ* Indo-European Line, Bombay *viâ* British Indian Sub-Marine Cable, and Madras *viâ* British Indian Extension Cable.

Abstract of Foreign Traffic with India by the Indo-European and Red Sea Lines for the Month of September 1871.

ROUTE	NUMBER OF MESSAGES BY EACH ROUTE, EXCLUSIVE OF TRANSIT			PERCENTAGE OF TOTAL NUMBER		
	To India.*	From India *	TOTAL	To India	From India	TOTAL
INDO EUROPEAN { *viâ* Teheran	687	526	1,213	30 70	20 55	25 28
INDO EUROPEAN { " Turkey ..	249	860	1,109	11 12	33 61	23 12
RED SEA .. " Suez	1,302	1,173	2,475	58 18	45 84	51 60
TOTAL	2,238	2,559	4,797	100 00	100 00	100 00

* Including Kurrachee *viâ* Indo European Line, and Bombay *viâ* British Indian Sub Marine Cable

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF LOWER BENGAL UP TO 31ST DECEMBER 1871

Circle.	Canal.	Water supplied during 1871-72.				Approximate area irrigated during December 1871			Total of column 9 for all previous months of current year.	Total area irrigated up to date during the current year.	Rainfall			Navigation Return.					Chief Irrigation.		Remarks.
		Full supply depth	Estimated full discharge in cubic feet per second	Average depth throughout the month	Average discharge in cubic feet per second throughout the month.	District.	Area actually receiving water during month in acres.	Of column 8 area receiving water for first time during current year.			Inches during the month	Inches up to date during the year.	Average of ten previous years for the same period	Nature of Traffic	Number of Boats.	Tonnage	Ton mileage	Approximate value of goods.	Per column 8.	Per column 9	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Orissa ..	High Level...	8	675	4·80	Still water	Cuttack ...	10,721	...	10,721	10,721	...	49·24	58 18	Local Government	31 16	58 225	771 5,309	261 8 0 7,091 0 0	Rice ..	Rice	Canal closed from 15th December 1871 Escape at Russulpore closed for repairs.
	Kendrapara..	7	1,262	5 09	749 592	Ditto ..	15,647	79	15,568	15,647	0·16	49 40	58 23	Private. Local . Private. Through Government	36 165 104	174 1 397 1,281	3,726 58 254 23 096	4,151 0 0 1,04,270 0 0 3,437 0 0	Cotton, and other articles.	Cotton	Canal closed from 15th December 1871 for repairs Discharge through No 8 Lock is 1 082 c. ft per second. Discharge over Mantree Escape, 257 73 c. ft per second.
	Taldunda .	8	1,300	6·25	14 51 or 30 c ft	Ditto ...	1,376	13	1,363	1,376	0·16	49 40	58 23	Local Government	15 116	85 1,479	1 026 36,590	90 0 0 3,107 0 0	..	"	Canal closed from 15th December 1871
	Machgong ...	...	...	...	..	Ditto .	310	5	305	310	0·16	49 40	58 23		.			...	.	.	Only a little water let down to bring boats into Upper Reach.
South-Western	Midnapore *	8	875	..	..	Midnapore		...	6,107	6,107	.	64 27	49 29	Local	1,541	6,915	52,750	2,45,846 0 0	...	...	* No irrigation.
	Panchkoorah*	6	240	..	.	Howrah .		...				61 25	Not available								
	Tidal .	...	...	...	...	Midnapore ...	.		.		.	...	.	Local Government	453 9	1,229 34	32,013 877	27,131 0 0 259 0 0			
	December 1870.					Total ...	28,054	97	34,064	34,161											
Orissa ..	High Level	...	.	...	...	Cuttack ...	.	.	22,035	22,035	.	47 98	55 39								
	Kendrapara..	...		..	...	Ditto	150	60	68,356	68 416		47·98	55 39								
	Taldunda ..	..	...	.	..	Ditto ...	.	..	22,000	22,000	.	47·98	55 39								
South Western	Midnapore	..	...	...	...	Midnapore	.	.	29,114	29,114		48 85	35 63								
	Panchkoorah	...	.	...	...	Howrah .			878	878	...	43 60	Not obtainable								
						Total	150	60	142,383	142,443											

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The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 10, 1872.

MARINE DEPARTMENT.

NOTIFICATION.

Fort William, the 10th February 1872.

The Governor General in Council announces, with deep regret, the death, at twenty-five minutes past three this afternoon, of His Excellency Rear Admiral JAMES H. COCKBURN, Commander-in-Chief of Her Majesty's Naval Forces in the East Indies.

By this lamented event the Royal Navy is deprived of the services of a gallant and distinguished Officer, and the Government of India loses one whose aid and advice it highly valued.

It is requested that all officers off duty at the Presidency will attend the funeral of the late Admiral COCKBURN.

The flag of Fort William will be hoisted half mast high until the funeral has taken place, and thirteen minute guns will be fired from the Ramparts at the time of the ceremony.

The Brigadier General commanding the Presidency District will make all necessary arrangements for the funeral procession, which will leave Government House at four o'clock to-morrow afternoon for the Military Burial Ground at Bhowanipore.

By order of the Governor General of India in Council,

H. K. BURNE, *Colonel,*
Secretary to the Government of India,
Marine Department.

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The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, FEBRUARY 13, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 13th February 1872.

No. 751.

Whereas His Excellency The Right Hon'ble Lord Napier of Merchistoun, upon whom the office of Governor General of India has devolved under Section 50 of the Indian Councils' Act, has declared that it is not his intention to assume the said office until he shall have taken his seat in Council; It is hereby notified, in accordance with Section 51 of the said Act, and Section 62 of the Act of 3rd and 4th years of King William the Fourth, Cap. 85, that the office of Acting Governor General has devolved upon the Hon'ble John Strachey, Senior Ordinary Member of Council, until His Excellency's arrival.

No. 752.

With reference to the great public calamity announced in yesterday's *Gazette Extraordinary*, the Acting Governor General in Council directs that the Flag of Fort William be hoisted half-mast high until further orders.

Forty-nine Minute Guns will be fired from the Ramparts of Fort William this afternoon, the last gun to be fired at sunset.

Similar marks of respect will be paid on receipt of this notification at the respective Seats of Government and at all the principal Military Stations in India.

The Acting Governor General in Council directs that all the Officers of Her Majesty's Civil, Military, and Marine Services do put themselves into mourning for a period of one month, and invites all classes of Her Majesty's subjects in India to join in this tribute of respect to the memory of the late Earl Mayo.

Further orders will be issued on the arrival of the remains of the late Viceroy, now on their way to Calcutta.

No. 764.

The following telegram received from His Excellency the Governor of Madras is published for general information :—

Dated 13th February 1872.

Telegram from—LORD NAPIER, Madras,
To—The HON'BLE J. STRACHEY, Calcutta.

In acknowledging the receipt of a telegram from the Hon'ble B. H. Ellis, of this date, from Saugor Island, and of one from the Home Secretary at Calcutta, reporting the death of His EXCELLENCY THE EARL OF MAYO by the hand of an assassin at Port Blair, I have to convey to you, on my part and on the part of the Government, our deep sense of the irreparable loss which the country has suffered by an act so criminal and deplorable. We offer to the Government of India the assurance of our heartfelt sympathy.

By Order,

E. C. BAYLEY,

Secy. to the Govt. of India.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

EXTRA SUPPLEMENT TO

The Gazette of India.

CALCUTTA, TUESDAY, FEBRUARY 13, 1872.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

THE ASSASSINATION OF HIS EXCELLENCY THE EARL OF MAYO, VICEROY AND GOVERNOR GENERAL OF INDIA, AT PORT BLAIR.

THE following narrative of facts relating to the lamented death of HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL is published for general information.

This narrative contains a statement of all that is known to Government up to the present time.

HIS EXCELLENCY THE VICEROY arrived in Her Majesty's Steam Frigate *Glasgow* at the Convict Settlement of Port Blair, Andamans, at 9-30 A. M., on Thursday, the 8th February. Shortly after 11 A. M., His Excellency and the Countess of Mayo, with the Staff and other gentlemen and ladies, landed at Ross, the chief station of the Settlement, and were received at the pier by the troops lining the approaches. The Countess of Mayo and the ladies proceeded to the house of the Superintendent, Major General Stewart, C. B., while the Viceroy and suite, accompanied by General Stewart, visited the Convict Establishments at this station. His Excellency inspected the Sudr Bazaar, the Convict Barracks, the Native Infantry Lines, the Hospitals, the New Church, and other public buildings, and was accompanied throughout by a strong guard of both Native Infantry and Police, who closely attended His Excellency on either side of and behind the Staff immediately surrounding him. After a short rest at the house of the Superintendent, the Viceroy inspected the barracks of the European troops, and, assisted by Colonel Jervois, R. E., C. B., and Colonel Rundall, R. E., made a minute examination of the foundations and walls of the buildings, to ascertain the cause of their having given way shortly after they were built. His Excellency then, attended as before, visited the European Convict Barracks and Library, and returned with the Countess of Mayo and party to H. M.'s Ship *Glasgow* by 2 P. M.

At 3 P. M. the Viceroy, accompanied by Major General Stewart, C. B., the Hon'ble Mr. Ellis, Colonel Jervois, C. B., Mr. G. W. Allen, and the Personal Staff—Major Burne, Private Secretary, Captains Lockwood and Gregory, Aides-de-Camp, and Mr. Hawkins, R. N., Flag Lieutenant—left the *Glasgow* in a steam launch, and, passing the stations of Aberdeen and Haddo, landed at Viper Island. This station is in the inner harbour, about five miles from Ross, and here are detained about 1,300 convicts, including all those who are received from India with the character of being desperate men; and all who, by their bad

conduct during their residence in the Settlement, have been proved deserving of specially rigorous treatment. His Excellency was received at the landing place by the officials in charge, and was here, as in Ross, closely attended by a guard of Native Infantry and Police. After an inspection of the Jail and other arrangements, the Viceroy and party returned to the steam launch and visited Chatham, a station on a small island dividing the inner from the outer harbour. His Excellency, under the escort of a guard of Police and the petty officers of the station (there being no Native Infantry on this island), inspected the Saw Mills and the Coaling Depôt, and then re-embarked in the steam launch, leaving on board the Steamer *Nemesis*, then lying at the coaling station, Captain Gregory, Aide-de-Camp, who had to give orders in anticipation of the proposed departure of the *Nemesis* early on the following morning.

It was then nearly 5 P. M., and the Viceroy decided that he would visit Mount Harriet. It had been proposed earlier in the day that His Excellency should do this if time allowed, but no decision had been come to, nor had any notice been given that this place would be visited by His Excellency that evening. Mount Harriet is a lofty hill on the main island, nearly opposite Chatham. There is no regular convict station on the hill, but below it is Hopetown, where there are convicts, chiefly invalids and ticket-of-leave men, with a few others required for work at the station.

The Viceroy landed from the steam launch at the pier at Hopetown, where Mr. Ellis left the party and returned to the Steamer *Dacca*. There being ordinarily no free Police or Sepoy Guard in this station, the Superintendent ordered the guard from Chatham Island to cross to Hopetown to escort the Viceroy; and accordingly eight Policemen from Chatham arrived just after His Excellency landed, accompanied him to the top of the hill, and were with him throughout. There was one pony here, and His Excellency rode up part of the way. The road is narrow, but the ground on either side has been cleared, and in places plantain and cocoanut trees have been planted. On reaching the top, His Excellency sat down for about a quarter of an hour. The sun had set, but there was light enough for a view of the whole Settlement, with its numerous islands and inlets. Two ticket-of-leave men addressed the Viceroy on his way down, and were informed by General Stewart that on their making formal petitions their cases would be inquired into. No other convicts were met on Mount Harriet: they were all at their huts at Hopetown below.

While the Viceroy was still on the hill, Captain Lockwood, Aide-de-Camp, and Count Waldstein (who had joined the party before they commenced the ascent) went on in front and arrived at the pier, the latter about a quarter of an hour, and the former some ten minutes, before the rest of the party. It was then dusk, but not quite dark, and when Captain Lockwood and Count Waldstein met on the pier and sat down on some stones, about twenty yards from the pier-head, waiting for His Excellency, there was apparently no one loitering on the pier, though they saw men passing to and fro carrying water for the steam launch.

By the time His Excellency reached the foot of the hill it was a quarter-past seven and quite dark, and lighted torches were by order of an Officer of the Settlement sent to meet the party. The huts where the convicts, some forty or fifty in number, were drawn up had been passed, General Stewart had stopped to give orders to an overseer, and the Viceroy had walked about one-third the length of the pier preceded by two torch-bearers, and a few paces in advance of the rest of the party, when a man jumped on him from behind and stabbed His Excellency over the left shoulder, and a second time under the right shoulder-blade, before any one could interpose. The assassin was at once knocked down by the guard and people in attendance, and but for the interference of the Officers would probably have been killed. There is no consistent account to show how the man made his way to

the Viceroy, and it is not clear whether he was lying concealed on the side of the pier, or whether he rushed in from behind. Major Burne and the Viceroy's Jemadar were a few paces from the Viceroy, Colonel Jervois, Mr. Hawkins, and Mr. Allen somewhat behind, and the Police and petty officers of the station in flank and rear.

The Viceroy on being struck moved forward and staggered over the side of the jetty; it is not certain whether he fell into the water or jumped into it, but he either quickly raised himself or alighted on his feet, and stood for a few seconds, till he was assisted up and placed on a truck close by. The only words he uttered after the blow were " I'm hit," or words of similar sound, and the only movement he made after being placed on the truck was a convulsive motion forwards. It is probable that His Excellency expired then, but the precise moment of his death is not ascertained. He was at once carried on board the launch; every effort was made to staunch the flow of blood from the wound on the top of the shoulder, and to keep up the circulation by rubbing the extremities, but to no purpose, as the Viceroy was dead before the steam launch reached the *Glasgow*.

The Surgeons of the vessel were promptly in attendance, and Dr. Barnett was summoned at once. A *post-mortem* examination was forthwith made by Dr. Loney, Staff Surgeon, R. N., Dr. Barnett, Personal Surgeon to the Viceroy, and Dr. More, Assistant Surgeon, R. N., in the presence of the Hon'ble B. H. Ellis, Member of Council, the Hon'ble Ashley Eden, Chief Commissioner, British Burmah, Mr. Aitchison, Foreign Secretary, and Major Burne, Private Secretary. It then for the first time became known that there were two wounds, and it was the opinion of the Medical Officers that either wound was sufficient to cause death. Copy of the *post-mortem* record, (A), is appended.

The assassin was at once secured and taken on board the *Glasgow*. He was shortly afterwards interrogated by the Hon'ble Mr. Eden and by Mr. Aitchison, and stated that his name was Shere Ali, the son of Wullee; that he came from a village near Jumrood, at the foot of the Khyber; that he had no accomplices; that it was his fate; and that he had committed the act " by the order of God." He was then removed ashore and kept during the night in custody of a guard of European Infantry.

Early on the morning of the 9th the prisoner was again brought on board the *Glasgow*, where the Magistrate, Major Playfair, held a preliminary enquiry, and after hearing the evidence of the European gentlemen and others who were present, committed the assassin for trial before General Stewart. The knife was a common one, such as is used for cooking or other domestic purposes; it was taken from the assassin on the spot by Urjoon, a convict petty officer, who was slightly scratched by the knife, and had his coat torn in securing it. The prisoner did not freely confess before the Magistrate as he had confessed the night before, nor did he deny his guilt. He said that if any of the European gentlemen present would state that they had seen him commit the deed he would admit it, but not otherwise. The final trial before General Stewart was being proceeded with, but had not been concluded at the time of the latest advices.

The assassin is 30 years of age, strong and well made. He is a Khyberee of the Kookee-Kheyl clan, and a resident of Pakhree, in the Cabul territory. He was convicted on the 2nd April 1867 of murder by Colonel Pollock, Commissioner of Peshawur, and being sentenced to transportation for life, was forwarded, *viâ* Kurrachee and Bombay, to the Andamans Penal Settlement. He arrived there in May 1869, and, except on one occasion, on which he had in his possession, some flour for which he could not account, nothing whatever has been recorded against him. The prisoner was removed to Hopetown on the 15th May 1871, in order to perform duty as barber at that station, and he has since been employed there.

Major General Stewart was called on by Mr. Ellis to furnish a report to Government, detailing the special precautions taken by him to secure the personal safety of His Excellency the Viceroy. The Superintendent's report is appended, (B).

The body of His Excellency the Viceroy is being conveyed to Calcutta by Her Majesty's Ship *Glasgow*. The Steamer *Scotia* was despatched direct from Port Blair with Mr. Aitchison, Foreign Secretary, and Major Taylor, Aide-de-Camp, to convey intelligence of the mournful event to Lord Napier, the Governor of Madras. The Steamer *Nemesis* was sent to False Point to inform His Honor the Lieutenant Governor of Bengal, and the *Dacca* returned to telegraph from Saugor Island news of this great public calamity to the Supreme Government in Calcutta, and to the Governors of Madras and Bombay.

By Order,

E. C. BAYLEY,

Secretary to the Government of India.

A.

We, the undersigned, record the result of a *post-mortem* examination of the body of His Excellency the Viceroy, and Earl of Mayo, on the evening of the 8th instant, at Port Blair, Andaman Islands, on board H. M. S. *Glasgow*.

When we saw him he was quite dead. The examination was made in the Viceroy's cabin about a quarter of an hour after the body was brought on board.

We made a most careful examination of the wounds inflicted. There were two wounds; one incised wound, about 1½ inch long, extending obliquely from above downwards and inwards to the spine, was situated behind lower third of posterior margin of right scapula.

On examination, the finger passed in direction of spine, and impinged upon a deep indentation, apparently on a rib.

On passing a probe along the finger, it was found to penetrate deeply into cavity of chest. During the necessary examination a large quantity of blood flowed from this wound.

A second incised wound, of the same extent as the one above described, and apparently inflicted by the same instrument, was situated about 1½ inch above superior angle of left scapula, and passed directly downwards into cavity of chest, slightly splintering superior angle of scapula, and indenting either first rib or transverse process of a cervical vertebræ. In this case also a probe passed along the finger in the wound penetrated deeply into cavity of chest, and a large quantity of dark blood flowed from this wound also. Either wound was sufficient to cause death.

We would also state that the back of the clothes worn by His Excellency were completely saturated with blood.

(Signed) WILLIAM LONEY,
Staff Surgeon, R. N.

" OLIVER BARNETT, *Staff Surgeon,*
Surgeon to the Viceroy.

" ROBERT H. MORE,
Assistant Surgeon, R. N.

Her Majesty's Steamer *Glasgow*, dated 9th February 1872.

The examination above referred to was conducted in our presence, and is hereby attested by us.

(Signed) B. H. ELLIS,
Member of Council.

" ASHLEY EDEN,
Offg. Chief Commr., British Burmah.

" C. U. AITCHISON,
Foreign Secy. to Govt. of India.

" O. T. BURNE, *Major,*
Private Secy. to the Viceroy.

B.

Dated Port Blair, the 9th February 1872.

From—MAJOR GENERAL D. M. STEWART, Offg. Supdt. of Port Blair and Nicobars,

To—The Secretary to the Government of India, Home Dept.

AT the request of the Hon'ble B. H. Ellis, Member of the Council of the Governor General of India, I have the honor to make the following statement of the precautions taken by me for the protection of the person of HIS EXCELLENCY THE VICEROY on his visit to Port Blair.

2. I may premise that I had been in personal communication with the Viceroy's Private Secretary on this subject before the arrival of His Excellency in the harbour, and I am aware that my arrangements, as communicated by the Private Secretary to the Viceroy, met with His Excellency's approval.

3. My orders were that the convicts should all be kept at their ordinary work, and that petty officers in charge should see that no one was permitted to leave his gang.

4. A detachment of free Police, armed with muskets, was to move with the Governor General's party in front, flank, and rear; and on Viper and Ross, where the worst characters are quartered, detachments of Native Infantry were in support of the Police, who had instructions to allow no one to approach His Excellency.

5. On Ross and Viper the whole of the troops were likewise under arms.

6. Some of the chief petty officers of stations were in the rear to see that convicts did not approach the Viceroy.

7. During His Excellency's progress, the Governor General seemed to think that the guards were too officious in surrounding him, and requested me more than once to make them stay behind.

8. The visit to Mount Harriet being an uncertain contingency till the last moment, no guards were sent to that station beforehand, and no one there could be aware that it was the Viceroy's intention to visit it at all. It was not until nearly 5 o'clock, whilst at Chatham, that His Excellency decided that an effort should be made to reach the top of Mount Harriet that evening. The free Police guard of eight armed men employed at Chatham were then at once despatched to Hopetown Jetty, where they landed immediately after the Viceroy at a little after 5 P. M.

9. As it was unlikely that we should meet any convicts on that station, save perhaps an occasional ticket-of-leave man, I considered the Police guard here referred to sufficient for all purposes.

10. The Viceroy rode a pony up the hill, and was accompanied by several gentlemen and the Police. When His Excellency approached the top of the hill he moved off rapidly, escorted by a few Policemen only, the officers and others on foot being unable to keep up with the pony.

11. Being unable myself to keep up with the Viceroy, I called out to the Police, who were running along, not to permit any convict to go near His Excellency.

12. In this manner the Viceroy reached the house at Mount Harriet. After a few minutes' delay the party proceeded to return to Hopetown on foot.

13. We met one or two invalids and ticket-of-leave men as we were leaving Mount Harriet who wished to address the Viceroy. I told these men that if they had any representation to make to His Excellency, they should submit their petitions in the usual manner, and that they would be duly laid before His Lordship.

14. In this manner, accompanied by a number of gentlemen and the Police guard, the Viceroy reached Hopetown: there I observed a number of convicts drawn up in line in the village, but off the road. On enquiry I found these were Jampan men who had been sent from Ross for the purpose of conveying Lady Mayo and her party to Mount Harriet the following morning. With the exception of these men and a few residents of Hopetown standing at their doors, I saw no convict about the place.

On reaching the jetty I dropped behind His Excellency to give some orders to the Station Overseers, and while talking to him I heard a noise and shout of "mar," "mar." So far as I can remember, there did not appear to be a single soul on the pier when I left the Viceroy's side to speak to the Overseers.

There appeared to be no one with the Viceroy except three gentlemen of his party, the Police guard, and the chief petty officers of the station who were behind.

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EXTRAORDINARY.

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CALCUTTA, FRIDAY, FEBRUARY 16, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 16th February, 1872.

No. 815.

His Excellency the Acting Governor General in Council notifies for public information the following arrangements for the reception in Calcutta of the remains of His Excellency the Right Hon'ble the Earl of Mayo, late Viceroy and Governor General of India.

Her Majesty's Ship *Daphne,* conveying the remains, will arrive within the limits of the Port of Calcutta during the afternoon of Saturday the 17th instant.

A Deputation, consisting of His Honor the Lieutenant-Governor of Bengal, with his Personal Staff, the Hon'ble B. H. Ellis and the Hon'ble Major-General Norman, C. B., Members of Council, with the Secretaries to the Government of India in the Home and Military Departments, and the Personal Staff of the late Viceroy, will proceed down the river to meet the *Daphne,* and will accompany the remains to the point where the Procession will be formed.

His Excellency the Acting Governor General, His Excellency the Commander-in-Chief, the Chief Justice of Bengal, the Right Reverend the Lord Bishop of Calcutta, and the Ordinary Members of the Council of the Governor General will be present at Prinsep's Ghaut to receive the remains of His Excellency Lord Mayo, and to escort them to Government House. The head of the Procession, which will be formed at 4 P. M., will rest upon the Strand Road opposite Prinsep's Ghaut, extending along the road leading to

Kidderpore Bridge. A Battery of Royal Artillery will be placed near Prinsep's Ghaut, from which twenty-one minute guns will be fired on the arrival of the Coffin. After the last gun has been fired from the Battery, twenty-one minute guns will be fired from the Fort.

While the minute guns are firing the Procession will start from Prinsep's Ghaut and proceed on foot (except as otherwise specified below) by way of the Strand Road, round the southern end of the Eden Gardens to Government House.

The procession will move in the following order:—

An Officer of the Quarter-Master General's Department (mounted).
A Detachment of 1st Bengal Cavalry (mounted).
The escort consisting of the Calcutta Volunteer Rifle Corps, with Arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments, the Bands playing a Funeral March.
The Viceroy's Band.
The Body Guard (dismounted).
Clergy of Fort and Cathedral Churches.
The Chaplain to the late Viceroy.

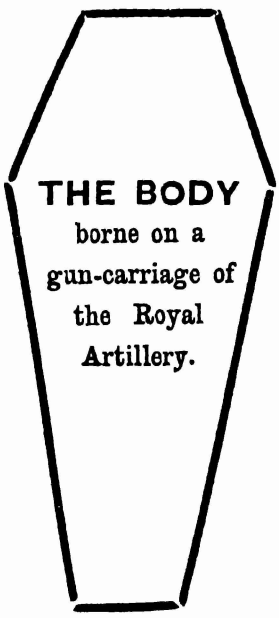
Dr. J. Fayrer, C. S. I.

Col. G. Delane, Comdg. Body-Guard.

Lieut. T. Deane.

Capt. F. H. Gregory, A-D-C.

Capt. R. H. Grant, A-D-C.



Dr. O. Barnett.

Subadar Major and Sirdar Bahadoor Sewbuccus Awusty, A-D-C.

Capt. H. B. Lockwood, A-D-C.

Capt. C. L. C. de Robeck, A-D-C.

Capt. T. M. Jones, R. N.

Lieut. C. Hawkins, R. N.

Major O. T. Burne, Private Secretary.

Chief Mourners.

The Hon'ble R. Bourke, the Hon'ble Terence Bourke, Major the Hon'ble E. R. Bourke.

Confidential Clerk to His Excellency the Viceroy.
His Excellency's Personal Servants.
The Officers of His Excellency's Personal Staff.
The Viceroy's Native Personal Servants.
Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow* and *Daphne*.
Officers of Her Majesty's Ships *Glasgow* and *Daphne*.
His Excellency the Acting Governor General.
His Honor the Lieutenant-Governor of Bengal. His Excellency the Commander-in-Chief.
The Chief Justice of Bengal. The Right Reverend the Lord Bishop of Calcutta. The Most Reverend the Archbishop and Vicar-Apostolic of Western Bengal.
The Ordinary Members of the Council of the Governor General.
The Puisne Judges of the High Court of Judicature.
The Additional Members of the Council of the Governor General.
Native Princes.
Consuls General. The Chief Commissioner of British Burmah.
Consuls, and Agents of Foreign Powers.
The Secretaries to the Government of India.
The Members of the Council of the Lieutenant-Governor of Bengal,
The Adjutant General and Quarter-Master General of the Army and Deputy Adjutant General of Royal Artillery.
The Inspectors General of Hospitals, British and Indian Medical Departments.
The Secretaries to the Government of Bengal.
Personal Staff of His Honor the Lieutenant-Governor of Bengal.
Personal Staff of His Excellency the Commander-in-Chief.
The Advocate General, the Standing Counsel, the Solicitor to Government, and the Bar of the High Court.
Chairman, Vice-Chairman, and Justices of the Peace for the Town of Calcutta.
Agents and superior Officers of Railways.
Members of the Press.
President and Vice-President and Deputation of the Chamber of Commerce.
The Master and Deputation of the Trades Association.
The President and Deputation of the Landholders Association.
President and Deputation of the British Indian Association.
President and Deputation of the Mahomedan Literary Association.
Provincial Grand Master and Deputation of the Freemasons of Bengal.
The Clergy and Ministers of the Churches of Calcutta.
Civil, Military, and Naval Officers of Government not named above.
The Master Attendant, Deputy and Assistant Master Attendants.

Members of the general community of Calcutta.

Captains, Officers, and Deputations of four Sailors from each of the Ships in Port.

Detachment 1st Bengal Cavalry.

The Procession will, except as otherwise directed, be drawn up eight abreast.

The road from Prinsep's Ghaut to Government House will be lined by the following troops, under the orders of the Brigadier General Commanding the Presidency District:—

H. M.'s 1st Battalion 14th Foot, H. M.'s 107th Regiment, 8th Regiment Native Infantry, 10th Regiment Native Infantry, and 13th Regiment Native Infantry.

The Procession will approach Government House by the north-west gate; the escort, Sailors and Marines, will form up on either side of the road within the gates, and the Coffin will be halted opposite the centre of the Grand Staircase. On the approach of the Procession, twenty-one minute guns will be fired from a Battery of Royal Artillery drawn up at Government House.

The portion of the Procession ending with the Personal Staff of His Excellency the Commander-in-Chief will remain with the Coffin. The remainder of the Procession will file past the Coffin, and then pass out of Government House by the north-east gate. The public ceremonial will then close, and the Coffin will be removed into Government House.

Gentlemen intending to join the Procession should be in their places not later than 4 P. M.

Officers entitled to wear uniform will appear in full dress, with sword-knots covered with crape and black bands on left arm, and Military sashes will be craped.

European and Native gentlemen not entitled to wear uniform are requested to appear in mourning according to their respective customs.

Admission to the Procession will be by tickets; those for the general community of Calcutta will be distributed at the Bengal Secretariat, and those for Officers and Sailors of Vessels in Port will be distributed at the Master Attendant's Office; all others by the Foreign Office.

By Order,

E. C. BAYLEY,

Secy. to the Govt. of India.

Printed and Published for the GOVT. OF INDIA *at the Office of* SUPDT. OF GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, FRIDAY, FEBRUARY 16, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 16th February 1872.

THE Acting Governor General in Council directs that the General Treasury and all Public Offices shall be closed to-morrow in token of respect to the memory of the late VICEROY, whose remains will be landed during the afternoon of that day.

E. C. BAYLEY,

Secy. to the Govt. of India.

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CALCUTTA, FRIDAY, FEBRUARY 16, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 16th February 1872.

No. 815.

His Excellency the Acting Governor General in Council notifies for public information the following arrangements for the reception in Calcutta of the remains of His Excellency the Right Hon'ble the Earl of Mayo, late Viceroy and Governor General of India.

Her Majesty's Ship *Daphne*, conveying the remains, will arrive within the limits of the Port of Calcutta during the afternoon of Saturday the 17th instant.

A Deputation, consisting of His Honor the Lieutenant-Governor of Bengal, with his Personal Staff, the Hon'ble B. H. Ellis and the Hon'ble Major-General Norman, C. B., Members of Council, with the Secretaries to the Government of India in the Home and Military Departments, and the Personal Staff of the late Viceroy, will proceed down the river to meet the *Daphne*, and will accompany the remains to the point where the Procession will be formed.

His Excellency the Acting Governor General, His Excellency the Commander-in-Chief, the Chief Justice of Bengal, the Right Reverend the Lord Bishop of Calcutta, and the Ordinary Members of the Council of the Governor General will be present at Prinsep's Ghaut to receive the remains of His Excellency Lord Mayo, and to escort them to Government House. The head of the Procession, which will be formed at 4 P. M., will rest upon the Strand Road opposite Prinsep's Ghaut, extending along the road leading to

Kidderpore Bridge. A Battery of Royal Artillery will be placed near Prinsep's Ghaut, from which twenty-one minute guns will be fired on the arrival of the Coffin. After the last gun has been fired from the Battery, twenty-one minute guns will be fired from the Fort.

While the minute guns are firing the Procession will start from Prinsep's Ghaut and proceed on foot (except as otherwise specified below) by way of the Strand Road, round the southern end of the Eden Gardens to Government House.

The procession will move in the following order:—

An Officer of the Quarter-Master General's Department (mounted).
A Detachment of 1st Bengal Cavalry (mounted).
The escort consisting of the Calcutta Volunteer Rifle Corps, with Arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments, the Bands playing a Funeral March.
The Viceroy's Band.
The Body Guard (dismounted).
Clergy of Fort and Cathedral Churches.
The Chaplain to the late Viceroy.

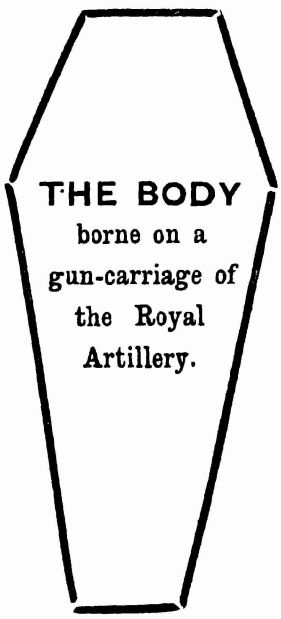
Dr. J. Fayrer, C. S. I.

Col. G. Delane, Comdg. Body-Guard.

Lieut. T. Deane.

Capt. F. H. Gregory, A-D-C.

Capt. R. H. Grant, A-D-C.



Dr. O. Barnett.

Subadar Major and Sirdar Bahadoor Sewbuccus Awusty, A-D-C.

Capt. H. B. Lockwood, A-D-C.

Capt. C. L. C. de Robeck, A-D-C.

Capt. T. M. Jones, R. N.

Lieut. C. Hawkins, R. N.

Major O. T. Burne, Private Secretary.

Chief Mourners.

The Hon'ble R. Bourke, the Hon'ble Terence Bourke, Major the Hon'ble E. R. Bourke.

Confidential Clerk to His Excellency the Viceroy.
His Excellency's Personal Servants.
The Officers of His Excellency's Personal Staff.
The Viceroy's Native Personal Servants.
Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow* and *Daphne*.
Officers of Her Majesty's Ships *Glasgow* and *Daphne*.
His Excellency the Acting Governor General.
His Honor the Lieutenant-Governor of Bengal. His Excellency the Commander-in-Chief.
The Chief Justice of Bengal. The Right Reverend the Lord Bishop of Calcutta. The Most Reverend the Archbishop and Vicar-Apostolic of Western Bengal.
The Ordinary Members of the Council of the Governor General.
The Puisne Judges of the High Court of Judicature.
The Additional Members of the Council of the Governor General.
Native Princes.
Consuls General. The Chief Commissioner of British Burmah.
Consuls, and Agents of Foreign Powers.
The Secretaries to the Government of India.
The Members of the Council of the Lieutenant-Governor of Bengal,
The Adjutant General and Quarter-Master General of the Army and Deputy Adjutant General of Royal Artillery.
The Inspectors General of Hospitals, British and Indian Medical Departments.
The Secretaries to the Government of Bengal.
Personal Staff of His Honor the Lieutenant-Governor of Bengal.
Personal Staff of His Excellency the Commander-in-Chief.
The Advocate General, the Standing Counsel, the Solicitor to Government, and the Bar of the High Court.
Chairman, Vice-Chairman, and Justices of the Peace for the Town of Calcutta.
Agents and superior Officers of Railways.
Members of the Press.
President and Vice-President and Deputation of the Chamber of Commerce.
The Master and Deputation of the Trades Association.
The President and Deputation of the Landholders Association.
President and Deputation of the British Indian Association.
President and Deputation of the Mahomedan Literary Association.
Provincial Grand Master and Deputation of the Freemasons of Bengal.
The Clergy and Ministers of the Churches of Calcutta.
Civil, Military, and Naval Officers of Government not named above.
The Master Attendant, Deputy and Assistant Master Attendants.

Members of the general community of Calcutta.

Captains, Officers, and Deputations of four Sailors from each of the Ships in Port.

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The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 17, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Notice.

WANTED—The under-mentioned portions of the Journal of the Agricultural and Horticultural Society of India (old series):—

PARTS	11 and 12 of Volume 2.					PARTS	1 and 2 of Volume 6.				
"	1 " 3 " " 3.					"	1		"	"	7.
"	1 " 3 " " 4.					"	1 " 4 " " 8.				
"	1, 2 " 3 " " 5.					"	2, 3 " 4 " " 14.				

Apply to the Secretary to the Government of India in the Department of Agriculture, Revenue and Commerce.

Notice.

Wanted for the Jhelum Bridge Division, Divers, European and Native, accustomed to the use of diving apparatus.

A. R. BAYLY, *Major,*
Executive Engineer, J. B. Division.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted a Draftsman who can make drawings from dimensioned free-hand sketches and print with neatness and despatch. Maximum salary Rs. 80 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted a Clerk accustomed to the work of an Executive Engineer's Office, and who can write routine letters in good English. Maximum salary Rs. 60 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

We hereby give notice that Mr. William Scott, of the Firm of Charles and William Scott & Co., in Calcutta, retired from the business on 31st December 1871, that Mr. Walter Scott has become a Partner in the Firm from that day, and that Mr. Arthur James Parker has succeeded Mr. Good (who is returning to England) as Agent and Manager to the said Firm.

C. & W. SCOTT & CO.

CALCUTTA,
The 1st January 1872.

Notice.

Notice is hereby given that the Partnership heretofore subsisting between John Carlisle, Thomas Carlisle, Stewart Douglas, Michael Henderson, and Charles Stewart Carlisle, as Commission Merchants, at Calcutta, under the Firm of Carlisles, Nephews & Co., is this day dissolved, so far as concerns the said John Carlisle, who retires therefrom.

The business will hereafter be continued by the said Thomas Carlisle, Stewart Douglas, Michael Henderson, and Charles Stewart Carlisle, together with Henry Archer Wyatt Smith, under the said Firm at Calcutta aforesaid.

Dated this thirtieth day of December 1871.

Notice.

Notice is hereby given that the Partnership heretofore subsisting between John Carlisle, Thomas Carlisle, Stewart Douglas, and Charles Stewart Carlisle, as Commission Merchants, at Manchester, under the Firm of Carlisle Brothers & Co., is this day dissolved, so far as concerns the said John Carlisle, who retires therefrom.

The business will hereafter be continued by the said Thomas Carlisle, Stewart Douglas, and Charles Stewart Carlisle, together with Henry Archer Wyatt Smith, under the Firm of Carlisle, Douglas & Co.

Dated this thirtieth day of December 1871.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
		Notes wholly lost or destroyed.	
1871-72.		Rs.	
96 ...	$\frac{C}{87}$04700 ...	1,000 ...	Lilladhur Govindjee, Khand Bazar, Mandavee Bunder.
	$\frac{C}{87}$24231 ...	1,000 ...	
	$\frac{C}{87}$25951 ...	1,000 ...	
98 ...	$\frac{C}{72}$93162 ...	1,000 ...	Esvadabai, widow of late Sadasew Pandrung, Moraba Pofutjee's Oart.
		Notes partially lost or destroyed.	
1871-72.		Rs.	
88 ...	$\frac{C}{65}$71748 ...	100 ...	G. Bainbridge, Esq., M.D., Civil Surgeon, Dhoolia.
	$\frac{C}{65}$66921 ...	20 ...	
	$\frac{C}{75}$71449 ...	10 ...	

PAPER CURRENCY OFFICE;
BOMBAY,
The 7th February 1872.

A. R. GORDON,
Assistant Commissioner.

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
14 ...	F/6 04601 ... to E/6 04635 ...	10 each...	Mowla Bux, Merchant, Kussowlie.
	Notes partially lost or destroyed.		
		Rs.	
12 ...	E/6 18104 ...	10 ...	Seikh Nabee Bux, Native Doctor, Wuzeerabad.
13 ...	A/84 00636 ...	100 ...	Bussakhi Ram and Hurdyal, Umritsur.
15 ...	F/6 12867 ...	10 ...	Seikh Shubratee, Merchant, Lahore.
	E/6 07128 ...	10 ...	
16 ...	A/26 49499 ...	20 ...	Quarter Master Sergeant G. Sheilds, 1st Battalion, 6th Regiment, Peshawur.
19 ...	A/17 44390 ...	10 ...	Mr. R. Bramall, of Toondla, E. I. R.
	A/17 37546 ...	10 ...	
	E/6 09123 ...	10 ...	

PAPER CURRENCY OFFICE;
LAHORE,
The 10*th February* 1872.

R. A. FINK, *A. A. G.*,
for *Deputy Commissioner.*

MADRAS CIRCLE.

NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.	
	Rs.	
B/33 09536 ...	100 ...	S. Davanayagum Moodelliar, No. 28, Mookatha Street, Pursewalkurn, Madras.
B/14 64623 ...	50 ...	Munesawmy Chettiar, care of K. Murugasa Mudalliar, Cuddapah.
B/15 55147 ...	100 ...	
B/15 85948 ...	100 ...	
	Notes partially lost or destroyed.	
	Rs.	
B/50 81718 ...	10 ...	P. Iyaloo Naidu Garu, Deputy Collector, Chittoor.
B/51 89587 ...	20 ...	
B/50 00970 ...	20 ...	Captain H. Lambarde, H. M.'s 45th Regt., Fort St. George.
B/51 01090 ...	10 ...	Mr. J. M. Toomey, Engineer Assistant, Madras Railway Company, Cheyaur Bridge.
B/50 20179 ...	20 ...	Mr. H. Baker, care of Key Sergeant J. Macarthy, Fort St. George.
B/50 20180 ...	20 ...	

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 5*th February* 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department.

PROMISSORY NOTES.

Lost.

The following 4 per cent. Government Promissory Notes, Nos. 20822 and 21200, both of 1842-43, for Rs. 500 each.

KRISTO NAUTH MOOKERJEE.

On the 16th January 1872 a Promissory Note, No. 14851, for Rs. 1,000, at 5 per cent., loan of 1856-57, standing in the name of Mr. Sakharam Ganesh Datar. The payment of the Note has been stopped.

SITARAM SAKHARAM DATAR.

Lost or Stolen.

The four Government Securities of the 4 per cent. loan of 1865, No. 011415 for Rs. 2,000; Nos. 011416 and 011417 of Rs. 1,000 each, and No. 011418 for Rs. 1,400.

JUGGUR NATH KHETTRY.

The Indian Financial Almanack for 1872—*Price 4 annas.*

Just Published.

The Civil Pension Code, authorised edition, corrected to 2nd February 1872, octavo size, with every alternate page blank for entering notes and alterations. *Price Rs. 1-4; packing and postage 4 ans. extra.*

The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 17, 1872.

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PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honour to report that we have considered the Bill and the papers noted in the Appendix and have come to the following resolutions, which we now submit in the form of a preliminary report.

RESOLUTION 1.—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of rupees 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of habeas corpus, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

RESOLUTION 2.—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

RESOLUTION 3.—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.
G. CAMPBELL.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30th January 1872.

APPENDIX.

Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding
Letter from Secretary to Chief Commissioner, British Burma, No. 95-9, dated 22nd March 1869, and enclosure.
Petition from Mukhtárs of Berhampore, dated 2nd May 1869.
Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding
Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding
Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosures.
Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding
Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.
From Registrar, High Court, Calcutta, No. 584, dated 21st June 1869.
Endorsement, Home Department, No. 925, dated 30th June 1869, forwarding
Letter from Acting Secretary to Government, Bombay, No. 1675, dated 31st May 1869, and enclosures.
Endorsement, Home Department No. 1106, dated 3rd August 1869, forwarding
Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. 3109, dated 16th July 1869, and enclosures.
From Secretary to Government, Madras, No. 1360, dated 18th August 1869, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 541-9, dated 21st August 1869, and enclosure.
Petition from Dwarkanath Bukshee and others, dated 31st August 1869.
From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
Endorsement, Home Department, No. 1520, dated 10th October 1869, forwarding
Letter from Secretary to Government, Bengal, No. 469T, dated 22nd September 1869, and enclosures.
Endorsement, Home Department No. 1769, dated 8th December 1869, forwarding
Letter from Acting Under Secretary to Government, Bombay, No 4161, dated 24th November 1869.
From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosures.
Endorsement, Home Department, No. 61, dated 10th January 1870, forwarding
Letter from Acting Under Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
From Military Department, No. 556, dated 12th January 1870, and enclosures.
Endorsement, Home Department, No 131, dated 17th January 1870, forwarding
Letter from Secretary to Government, North-Western Provinces, No 13A, dated 6th January 1870, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.
„ Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.
„ Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.
„ Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosures.
Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding
Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosures, and
Despatch from Secretary of State, No. 39, dated 21st October 1868.
From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.
„ Secretary to Government, Panjáb, No. 613, dated 5th May 1870, and enclosures.
„ Officiating Under Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
Office Memorandum, Home Department, No. 903, dated 27th May 1870.
Endorsement, Home Department, No. 1224, dated 11th July 1870, forwarding
Office Memorandum, Financial Department, No. 1277, dated 22nd June 1870, and enclosure.
Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.
From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosures.
From Government of Bombay, No. 2899, dated 30th July 1870, and enclosure.
Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding
Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.
From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.
Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding
Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870, and enclosures.
From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosures.
From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.
From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.
From Acting Under Secretary to Government, Bombay, No. 3810, dated 8th October 1870.
Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding
Judicial despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and connected correspondence.

From T. H. Thornton, Esq., dated 21th November 1870, and enclosures
„ Secretary to Government, Bombay (no No. and date), and enclosure.
„ Officiating Legal Remembrancer, No. 1450, dated 16th December 1870
Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding
Letter from Secretary to Government, Panjáb, No. 1796, dated 27th December 1870, and enclosures.
Endorsement, Home Department, No. 84, dated 20th January 1871 forwarding
Letter from Under Secretary to Government, Panjáb, No. 1777, dated 23rd December 1870, and enclosures.
From Judge of Bhagulpore, No. $\frac{C.O.}{28}$, dated 23rd January 1871.
Office Memorandum, Home Department, No. 103, dated 24th January 1871.
Endorsement, Home Department, No. 134 dated 2nd February 1871, forwarding
Letter from Registrar, High Court, No. 51, dated 17th January 1871.
Endorsement, Home Department, No. 87, dated 11th February 1871, forwarding
Letter from Under Secretary to Government, Panjáb, No. 279, dated 19th January 1871, and enclosure.
From Officiating Junior Secretary to Chief Commissioner, Oudh, No. 868, dated 17th February 1871, and enclosures.
Endorsement, Home Department, No. 250, dated 20th February 1871, forwarding
Letter from Chief Secretary to Government, Fort Saint George, No. 100, dated 26th January 1871, and enclosure.
Endorsement, Home Department, No. 254, dated 21st February 1871, forwarding
Letter from Officiating Civil and Sessions Judge, Nuddea, No. 66, dated 4th February 1871.
Note by the Hon'ble Mr Shaw Stewart, dated 26th February 1871.
From Officiating Junior Secretary to Government, North-Western Provinces, No. 39A, dated 28th February 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 884, dated 2nd March 1871, and enclosure.
„ Chief Secretary to Government, Madras, No. 300, dated 13th March 1871, and enclosure.
Endorsement, Home Department, No. 436, dated 25th March 1871, forwarding
Letter from Officiating Junior Secretary to Government, Bengal, No. 727, dated 18th February 1871, and enclosures.
From H Birdwood, Esq., to Hon'ble F. S Chapman (no date).
Memorandum by C. D. Field, Esq., dated 1st April 1871.
Note by Officiating Deputy Commissioner, Goojranwalla, dated 3rd April 1871.
From Acting Under Secretary to Government, Bombay, No. 1531A, dated 12th April 1871, and enclosures.
„ Junior Secretary to Government, Bengal, No. 1799, dated 20th April 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 1954, dated 13th May 1871, and enclosures.
Endorsement, Foreign Department, No. 150J, dated 8th July 1871, forwarding
Letter from Under Secretary to Government, Bombay, No. 2675, dated 11th July 1871, and enclosure.
Endorsement, Home Department, No. 1181J, dated 14th July 1871, forwarding
Letter from Officiating Secretary to Government, Panjáb, No. 876, dated 23rd June 1871, and enclosures.
From Officiating Secretary to Chief Commissioner, Coorg, No. $\frac{27}{3}$, dated 27th July 1871, and enclosures.
From Secretary to Government, North-Western Provinces, No. 207A, dated 14th August 1871, and enclosure.
„ „ „ Panjáb, No. 1145, dated 14th August 1871, and enclosures.
„ Acting Under Secretary to Government, Bombay, No. 3215, dated 18th August 1871, and enclosure.
Note by Officiating Deputy Commissioner, Gonda, dated 26th August 1871.
From Officiating Secretary to Government, Panjáb, No. 1273, dated 5th September 1871, and enclosure.
„ Officiating 2nd Assistant Resident, Hyderabad, No. 2, dated 7th September 1871, and enclosures
„ Officiating Assistant Secretary to Chief Commissioner, British Burma, No. $\frac{34}{55}$, dated 9th September 1871.
Endorsement, Home Department, No. 1518, dated 14th September 1871, forwarding
Proceedings of Government, North Western Provinces (Criminal) for May 1871.
„ Home Department, No 1521J, dated 15th September 1871, forwarding
Office Memorandum from Financial Department, No. 2785, dated 16th August 1871.
From Secretary to Government, Bengal, No. 4732, dated 3rd October 1871, and enclosure.
„ Officiating Secretary to Chief Commissioner, Central Provinces, No $\frac{2085}{3}$, dated 9th October 1871, and enclosures.
„ Assistant Secretary to Government Madras, No. 157, dated 25th October 1871, and enclosures.
„ Officiating Secretary to Chief Commissioner, Oudh, No. 5041, dated 2nd November 1871, and enclosures.
„ D. G. Barkley, Esq., dated 2nd November 1871.
„ Secretary to Government, Bengal, No. 5457, dated 4th November 1871, and enclosures.
„ Officiating Secretary to Government, Bengal, No. 6064, dated 30th November 1871.
„ Secretary to Government, North-Western Provinces, No. 369, dated 6th December 1871, and enclosure.
„ „ „ Bombay (no date.)
„ „ „ Madras, No. 172, dated 7th December 1871.
„ „ „ Bengal, No. 6394, dated 15th December 1871.
„ „ „ Panjab, No. 1756, dated 16th December 1871, and enclosures.
„ „ „ Bengal, No. 6629, dated 23rd December 1871.
„ Chief Secretary to Government, Madras, dated 4th January 1872, forwarding
Opinion by J. D. Mayne, Esq.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Third Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872:—

Second Report of the Select Committee.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Indian Evidence Bill was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Petition from certain Barristers and Advocates of Bombay, dated 18th August 1871.
From Officiating Secretary to Chief Commissioner of Coorg, No. $\frac{848}{4}$, dated 4th October 1871, and enclosures.
From certain Pleaders of the High Court, Bombay, dated 4th October 1871.
From Officiating Secretary to Chief Commissioner of Coorg, No. $\frac{49}{8}$, dated 9th October 1871, and enclosure.
From Chief Secretary to Government, Fort Saint George, No. 166, dated 21st November 1871, and enclosures.
From F. J. Fergusson, Esq., Barrister, High Court, Calcutta, dated 8th December 1871, forwarding Memorial from Barristers and Advocates, High Court, Calcutta.
From Secretary to Chief Commissioner, Central Provinces, No. $\frac{2640}{286}$, dated 6th December 1871, and enclosures.
From Officiating Secretary to the Government of Bengal, No. 6326J, dated 13th December 1871, and enclosures
Memorial from certain Members of the Madras Bar, dated 16th December 1871.
From Secretary to Government, Panjáb, No. 1745, dated 13th December 1871, and enclosures.
From Officiating Registrar, High Court, Calcutta, No. 3936, dated 18th December 1871.
From Officiating Secretary to Chief Commissioner, Oudh, No. 5719, dated 22nd December 1871, and enclosures.

1. We have made some alterations in the arrangement of the Bill.

2. We have omitted the definitions of "proof" and "moral certainty" and the sections relating to inferences to be drawn by the Court as being suitable rather for a treatise than an Act.

3. We have omitted the provisions relating to material evidence and have given a new and simpler definition of the difference between primary and secondary evidence.

4. We have provided that the Act shall apply to all judicial proceedings, but not to affidavits presented to any Court or officer, nor to proceedings in arbitration.

5. As to the effect of an admission by one of several persons jointly tried for an offence, we have omitted sections 120 and 121 of the original Bill. Instead of these, we have provided that when two or more persons are on their trial for the same offence at the same time, and an admission is proved against one of them, which affects others of the accused besides himself, it may be taken into consideration by the Court against all the persons whom it affects.

6. We have redrawn Chapter VI, as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now represent the English law on the subject freed from certain refinements which would not be suitable for this country.

7. Exception was taken to the Bill in several quarters on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows:

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 103 to 111 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 112 and 113.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference', which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country and likely to produce great inconvenience if it were introduced. We have accordingly, by section 114, put all such presumptions in the position of mere presumptions of fact with which the Court can deal at its discretion

We have provided in the Chapter on the Burden of Proof that a Notification in the Gazette that a territory has been ceded to a Native State shall be conclusive proof of a valid cession at the date mentioned in the Notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it in Chapter V.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the law of evidence, because they do not belong to the subject and because many of them are fictitious.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend the omission of sections 141 to 145 of the old draft, as to questions to credit asked by barristers or pleaders, and the substitution of provisions showing the principles by which the asking of such questions should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

10. We have amended the wording of section 166 as to the Judge's power to ask questions. The section as originally drawn might have been taken to authorize him to found his judgment upon irrelevant matter, such as loose rumours. The intention of the section was to give him the fullest possible power of inquiry for the discovery of relevant matter. Section 161 as now drawn makes this clear.

11. We have omitted the chapter as to the duties of Judges and Juries, which will, we think, be more properly placed in the Code of Criminal Procedure. We have also omitted the provisions as to appeal in the first draft, and have substituted for them section 57 of Act II of 1855, which provides for the cases in which the improper admission or rejection of evidence shall be ground for a new trial or reversal of a decision.

12. Subject to these amendments we recommend that the Bill be passed, but we also recommend that the amended Bill *be* published in the Gazette, and that this report be not taken into consideration for a month from the date of its publication.

J. F. STEPHEN.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30th January 1872.

THE INDIAN EVIDENCE BILL.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

SECTION.

1. Short title.
   Extent.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. "May presume."
   "Shall presume."
   "Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given of facts in issue and relevant facts.
6. Facts forming part of same transaction.
7. Facts which are occasion, cause, or effect of facts in issue.
8. Motive, preparation and subsequent conduct.
9. Facts necessary to explain or introduce relevant facts.
10. Things said or done by conspirator in reference to common design.
11. When facts not otherwise relevant become relevant.
12. In suits for damages, evidence may be given of facts tending to determine amount.
13. Facts relevant when right or custom is in question.
14. Facts showing existence of state of mind, or of body or bodily feeling.
15. Act forming part of series of occurrences.
16. Course of business when relevant.

ADMISSIONS.

17. Admissions defined.
18. Admissions by parties interested in subject-matter.
19. Admissions by persons whose position must be proved as against party to suit.
20. Admissions by persons expressly referred to by party to suit.
21. Relevancy of admissions against or in behalf of persons concerned.
22. When oral admissions as to contents of documents are relevant.
23. Admissions in civil cases when relevant.
24. Admission of crime caused by inducement, threat, or promise irrelevant.
25. Confession made to a police officer shall not be used as evidence.
26. Confession made while the accused is in custody of the police shall not be used as evidence.
27. So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.
28. Admission made after removal of impression caused by inducement, threat, or promise relevant.

SECTION.

29. Admission otherwise relevant not irrelevant on certain grounds.
30. Consideration of proved admission affecting person making it and others jointly under trial for same offence.
31. When admissions are conclusive proof.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. When statement by person who is dead or cannot be found, &c., is relevant.
    Statement as to cause of death.
    Statements in course of business.
    Statements against interest.
    Matters of general interest.
    As to relationship.
    Recitals as to relationship in deeds.
    Statements in deeds.
33. Evidence in a former judicial proceeding when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account.
35. Entry in public record, made in performance of duty enjoined by law, when relevant.
36. Maps and plans when relevant.
37. Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.
38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. Previous judgments relevant to bar a second suit or trial.
41. Judgments in probate, &c., jurisdiction.
42. Judgments, order, or decree between third parties when irrelevant and when not.
43. Fraud, collusion, and incompetency of Court may be proved.
44. What judgments, &c., not relevant.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. Opinions of experts.
46. Facts bearing upon opinions of experts.
47. Opinion as to hand-writing.
48. Opinion as to existence of right or custom, when relevant.
49. Opinions as to usages, tenets, &c., when relevant.
50. Opinion on relationship, when relevant.
51. Grounds of opinion, when relevant.

CHARACTER WHEN RELEVANT.

52. In civil cases, character to prove conduct imputed irrelevant.
53. In criminal cases, previous good character relevant.
54. Previous conviction in criminal trials relevant, but not previous bad character, except in reply.
55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

56. No evidence required of relevant fact judicially noticed.
57. Facts of which Court must take judicial notice.
58. Facts admitted.

SECTION.

CHAPTER IV.—OF ORAL EVIDENCE.

59. Proof of facts by oral evidence.
60. Oral evidence must be direct.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. Proof of contents of documents.
62. Primary evidence.
63. Secondary evidence.
64. Proof of documents by primary evidence.
65. Cases in which secondary evidence relating to documents may be given.
66. Rules as to notice to produce.
67. Proof of signature and hand-writing of person alleged to have signed or written document produced.
68. Proof of execution of document required by law to be attested.
69. Proof where no attesting witness found.
70. Admission by party of execution.
71. Proof when attesting witness denies the execution.
72. Proof of document not required by law to be attested.
73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

74. Public documents.
75. Private documents.
76. Certified copies of public documents.
77. Production of such copies.
78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS.

79. Presumption as to genuineness of certified copies.
80. Presumptions on production of record of evidence.
81. Presumption as to Gazettes.
82. Presumption as to documents admissible in England without proof of seal or signature.
83. Proof of maps made for purposes of any cause.
84. Presumption as to collections of laws and reports of decisions.
85. Presumption as to powers of attorney.
86. Presumption as to certified copies of foreign judicial records.
87. Presumption as to books and maps.
88. Presumption as to photographs, machine copies, and telegraphic messages.
89. Presumption as to due execution, &c., of documents not produced.
90. Documents thirty years old.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. Evidence of terms of written contract.
92. Exclusion of evidence of oral agreement.
93. Exclusion of evidence to explain or amend ambiguous document.
94. Exclusion of evidence against application of document to existing facts.
95. Evidence as to document unmeaning in reference to existing facts.
96. Evidence as to application of language which can apply to one only of several persons.
97. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.
98. Evidence as to meaning of illegible characters, &c.

SECTION.

99. Who may give evidence as to matter to which document relates.
100. Saving of provisions of Indian Succession Act relating to wills.

Part III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Burden of proof.
102. General burden of proof.
103. Burden of proof as to particular fact.
104. Burden of proving fact to be proved to make evidence admissible.
105. Burden of establishing general exceptions.
106. Burden of proving fact especially within knowledge.
107. Burden of proof as to continuance of life.
108. Burden of proof as to death.
109. Burden of proof as to partnership, tenancy, and agency.
110. Burden of proof as to ownership.
111. Proof of good faith in transactions where one party is in relation of active confidence.
112. Birth during marriage, conclusive proof of legitimacy.
113. Proof of cession of territory.
114. Court may presume existence of certain facts.

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.
116. Estoppel of tenant.
117. Estoppel of acceptor of bill of exchange, bailee, or licensee.

CHAPTER IX.—OF WITNESSES.

118. Who may testify.
119. Dumb witnesses
120. Married persons in civil and criminal proceedings.
121. Judges and Magistrates.
122. Communications during marriage.
123. Evidence as to affairs of State.
124. Official communications.
125. Information as to commission of offences.
126. Professional communications.
127. Section 126 to apply to interpreters, &c.
128. Waiver of privilege if party volunteers evidence.
129. Confidential communication with legal advisers.
130. Production of witness' title-deeds.
131. Production of documents belonging to another person.
132. Witness bound to answer criminating questions.
Proviso.
133. Accomplice.
134. Number of witness.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witnesses.
136. Judge to decide as to relevancy of facts.
137. Examination-in-chief.
Cross-examination.
Re-examination.

SECTION.
138. Order of examinations. Direction of re-examination.
139. Cross-examination of person called to produce a document.
140. Witnesses to character.
141. Leading questions.
142. When they must not be asked.
143. When they may be asked.
144. Evidence as to matters in writing.
145. Cross-examination as to previous statements in writing.
146. Questions lawful in cross-examination.
147. When witness to be compelled to answer.
148. Court to decide when question shall be asked and when witness compelled to answer.
149. Questions not to be asked without reasonable grounds.
150. Procedure of Court in case of question being without reasonable grounds.
151. Indecent and scandalous questions.
152. Questions intended to insult or annoy.
153. Exclusion of evidence to contradict answers to questions testing veracity.
154. Cross-examination by party producing witness.
155. Impeaching credit of witness.
156. Corroborative facts are relevant.
157. Evidence in reply to evidence of former inconsistent statements.
158. Refreshing memory.
Court may permit a copy of document to be used to refresh memory.
159. Testimony to facts stated in document mentioned in section 158.
160. Producing writing used to refresh memory.
161. Production of documents.
Translation of documents.
162. Giving as evidence of document called for and produced on notice.
163. Giving as evidence of document production of which was refused on notice.
164. Judge's power to put questions or order production.
165. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

166. No new trial for rejection or improper reception of evidence.

SCHEDULE.

THE INDIAN EVIDENCE BILL.

[As amended by the Select Committee.]

Preamble.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Indian Evidence Act, 1872."

Extent.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

Commencement of Act.

and it shall come into force on the first day of September 1872.

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India.

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

Interpretation-clause.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court."

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition, of which any person is conscious.

Illustrations.

(*a.*) That there are certain objects arranged in a certain order in a certain place, is a fact.

(*b.*) That a man heard or saw something is a fact.

(*c.*) That a man said certain words is a fact.

(*d.*) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(*e.*) That a man has a certain reputation is a fact.

'Relevant.'

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.
At his trial the following facts may be in issue:—
That A caused B's death.
That A intended to cause B's death.
That A had received grave and sudden provocation from B.
That A at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

"Document."

Illustrations.

A writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

"Evidence."

"Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

"Proved."

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

"Disproved."

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

"Not proved."

A fact is said not to be proved when it is neither proved nor disproved.

"May presume."

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

"Shall presume."

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

"Conclusive proof."

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

Evidence may be given of facts in issue and relevant facts.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

Illustration.

(*a*) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(*b*.) A suitor does not bring with him and have in readiness for production at the first hearing of the case a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Facts forming part of same transaction.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.

Illustrations.

(*a*.) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transaction, is a relevant fact.

(*b*.) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are occasion, cause, or effect of facts in issue.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction are relevant.

Illustrations.

(*a*.) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b*.) The question is, whether A murdered B.

Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(*c*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation and subsequent conduct.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(c.) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d.*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakíls in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(*g.*) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h*) The question is whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant.

as a dying declaration under section 32 (1), or

as corroborative evidence under section 157.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant as

as a dying declaration under section 32 (1), or

as corroborative evidence under section 157.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—'A says you are to hide this' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages, evidence may be given of facts tending to determine amount.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

Facts relevant when right or custom is in question.

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Facts showing existence of state of mind, or of body or bodily feeling.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(*c.*) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d.*) The question, is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e.*) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(*f.*) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

(*g.*) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h.*) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i.*) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j.*) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.

(*k.*) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(*l.*) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m.*) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n.*) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o.*) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(*p.*) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Act forming part of series of occurrences.

Illustrations.

(*a.*) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(*b.*) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c.*) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business according to which it naturally would have been done is a relevant fact.

Illustrations.

(*a.*) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b.*) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons hereinafter mentioned.

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them are admissions.

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

Admissions by parties interested in subject-matter.

18. Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Illustration.

The question is whether a horse sold by A to B is sound.

A says to B 'Go and ask C, C knows all about it.' C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases :—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(*c.*) A is accused of a crime committed by him at Calcutta He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because, if A were dead out, it would be admissible under section 32 (2).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

Admission of crime caused by inducement, threat or promise irrelevant.

24. An admission made by an accused person is irrelevant in a criminal proceeding if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession made to a Police officer shall not be used as evidence.

25. No admission of guilt made to a Police officer, shall be proved as against a person accused of any offence.

Confession made while the accused is in custody of the Police shall not be used as evidence.

26. No admission of guilt made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

Admission made after removal of impression caused by inducement, threat or promise relevant.

28. If such an admission as is referred to in section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

Admission otherwise relevant not irrelevant on certain grounds.

29. If such an admission is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such admission, and that evidence of it might be given against him.

Consideration of proved admission affecting person making it and others jointly under trial for same offence.

30. When more persons than one are being tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved, the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C," the Court may consider the effect of this admission as against B.

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

When admissions are conclusive proof.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

When statement by person who is dead or cannot be found, &c., is relevant.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

Statement as to cause of death.

(1.) When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

Statements in course of business.

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

Statements against interest.

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

Matters of general interest.

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

As to relationship.

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

Recitals as to relationship in deeds.

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

PART I
Ch 2—Statements by persons who cannot be called as witnesses, ss 32—33
Statements made under special circumstances, ss 34 39

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen clause *(a)*.

Statements in deeds.

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(*a*.) The question is, whether A was murdered by B.; or

A dies of injuries received in a transaction in the course of which she was ravished The question is whether she was ravished by B.: or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death referring respectively to the murder, the rape, and the actionable wrong under consideration are relevant facts.

(*b*.) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c*.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d*.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e*.) The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(*f*.) The question is, whether A and B were legally married

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g*.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h*.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i*.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j*.) The question is, what was the price of grain on a certain day in a particular market A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact

(*k*) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l*.) The question is, what was the date of the birth of A

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

(*m*.) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact

(*n*.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving the truth of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Evidence in a former judicial proceeding when relevant.

Provided that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Entries in books of account.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

35. An entry in any public or other official book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Entry in public record, made in performance of duty enjoined by law when relevant.

36. Statements of relevant facts made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Maps and plans when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain

Statements in law-books.

any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgments, order or decree between third parties when irrelevant and when not.

42. Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in sections 40, 41 and 42, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant under some other provision of this Act.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

Illustrations.

(*a.*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

Facts bearing upon opinions of experts.

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a.*) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c, when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under Section 494, 495, 497 or 498 of the Indian Penal Code.

Illustrations.

(a.) The question is whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which [reputation or] disposition were shown.

PART II

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED

No evidence required of relevant fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal

Acts directed by such Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

Explanation.—The word 'Parliament' in clauses (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, of England, of Scotland and of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette:

(10.) The territories under the dominion of the British Crown:

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons;

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates attornies, proctors, vakils, pleaders and other persons authorized by law to appear or act before it:

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the

accuracy of the copy, and copies compared with such copies.

(3.) Copies made from or compared with the original.

(4.) Counterparts of documents as against the parties who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a.*) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b.*) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c.*) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d.*) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—

(*a.*) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(*b.*) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest.

(*c.*) When the original has been destroyed or lost, or when the party offering other evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(*d.*) When the original is of such a nature as not to be easily moveable.

(*e.*) When the original is a public document within the meaning of section 74.

(*f.*) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(*g.*) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*c*) and (*d*), any secondary evidence of the contents of the document is admissible.

In case (*b*), the written admission is admissible.

In cases (*e*) or (*f*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*g*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section 65 (*a*) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—

(1.) When the document to be proved is itself a notice.

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it.

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.

(4.) When the adverse party or his agent has the original in Court.

(5.) When the adverse party or his agent has admitted the loss of the document.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission by party of execution.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved

to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents :—

1. Documents forming the Acts, or records of the Acts—

(1) of the sovereign authority,

(2) of official bodies and tribunals, and

(3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows :—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government :

(2.) The proceedings of the legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government :

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer :

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council :

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body :

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified by any officer in British India or by any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine : Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such paper purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumptions on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine ; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed

PART II. Ch. 5.—Presumptions as to Documents, ss. 82—90.

PART II. Ch. 6.—Exclusion of oral by Documentary evidence, s. 91.

by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to documents admissible in England without proof of seal or signature.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made for purposes of any cause.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

Presumption as to collections of laws and reports of decisions.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

Presumption as to powers of attorney.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to certified copies of foreign judicial records.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to books and maps.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to photographs, machine copies and telegraphic messages.

88. The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to due execution, &c., of documents not produced.

89. The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

Documents thirty years old.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

Illustrations.

(*a*.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b*.) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c*.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

Evidence of terms of written contract.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to

in this section, shall not preclude the admission of oral evidence of the same fact.

Illustrations.

(*a.*) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b.*) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c.*) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d.*) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e.*) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

Exclusion of evidence of oral agreement.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a*). A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b*). A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c*). An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d*). A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(*e*). A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(*f*). A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g*). A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(*h*). A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i*). A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(*j*). A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a.*) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(*b.*) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

PART II Ch 6 —Exclusion of Oral by Documentary Evidence, ss 97—100

(*a*) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b*) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

PART III Ch 7 —Burden of Proof, ss 101—107.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my mods.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence as to matter to which document relates.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the term of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865,) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

General burden of proof.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations.

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond.

The execution of the bond is not disputed, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.

(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

Burden of establishing general exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control

The burden of proof is on A.

(*c*) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing hurt under section 325.

The burthen of proving the circumstances, bringing the case under section 335, lies on the prisoner.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustration.

(*a*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(*b.*) A is charged with travelling in a railway without a ticket, the burden of proving that he had a ticket is on him.

Burden of proof as to continuance of life.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to death.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Burden of proof as to ownership.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Proof of good faith in transactions where one party is in relation of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Birth during marriage, conclusive proof of legitimacy.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Proof of cession of territory.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Court may presume existence of certain facts.

Illustrations.

The Court may presume—

(*a.*) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(*b.*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars.

(*c.*) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(*e.*) That judicial and official acts have been regularly performed.

(*f.*) That the common course of business has been followed in particular cases.

(*g.*) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it.

(*h.*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him.

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (*e.*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (*f.*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Estoppel.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of tenant.

PART III Ch 8—Estoppel, s 117.

PART III. Ch 9.—Witnesses, ss 118—27.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

Who may testify.

118. All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness, who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a*). A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.

(*b*). A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what said, except upon the special order of the Superior Court.

(*c*). A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(*a*.) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b*.) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c*.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, &c.

127. The provisions of section 126 shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakíls.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section 126; and if any party to a suit or proceeding calls any such barrister, attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Waiver of privilege if party volunteers evidence.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

Confidential communication with legal advisers.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of witness' title-deeds.

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Production of documents belonging to another person.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Witness bound to answer criminating questions.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Proviso.

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Accomplice.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

Number of witness.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Order of production and examination of witnesses.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

Judge to decide as to relevancy of facts.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a.*) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b.*) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c.*) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d.*) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

Cross-examination.

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

Re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

Order of examinations. Direction of re-examination.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examin-

PART III. Ch. 10—Examination of witnesses, ss. 139—149.

ation; and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading questions.

141. Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend

(1). to test his veracity;

(2). to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d.*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a.*) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b.*) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c.*) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d.*) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Cross-examination by party producing witness.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court, by the party who calls him:—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a.*) A sues B for the price of goods sold and delivered to B.

C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b.*) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Corroborative facts are relevant.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances if proved would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

PART III. Ch. 10.—Examination of witnesses, ss. 157—165.

PART III. Ch. 11.—Improper admission and rejection of evidence, s. 166.

Evidence in reply to evidence of former inconsistent statements.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

Refreshing memory.

158. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid if when he read it he knew it to be correct.

Court may permit a copy of document to be used to refresh memory.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

Testimony to facts stated in document mentioned in section 158.

159. A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Producing writing used to refresh memory.

160. Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

Production of documents.

161. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence, and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Giving as evidence of document called for and produced on notice.

162. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document production of which was refused on notice.

163. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sues B on an agreement and gives B notice to produce it At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

Judge's power to put questions or order production.

164. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131 if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under section 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

Power of jury or assessors to put questions.

165. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

No new trial for rejection or improper reception of evidence.

166. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.
Stat. 26 Geo. III, C. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.	Stat. 14 & 15 Vic.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
			Act XV of 1852	To amend the Law of Evidence.	The whole Act.
			Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
			Act II of 1855 ...	For the further improvement of the Law of Evidence.	The whole Act.
			Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
			Act I of 1868 ...	The General Clauses Act, 1868.	Section seven.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, FEBRUARY 20, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 20th February 1872.

No. 825.

THE ACTING GOVERNOR GENERAL IN COUNCIL notifies that the remains of HIS EXCELLENCY THE EARL OF MAYO, late Viceroy and Governor General of India, will be removed from Government House and conveyed on board Her Majesty's Ship *Daphne* early on the morning of Wednesday, the 21st February.

The Ceremonial will be conducted as follows:—

Twenty-one minute guns, commencing at sun-rise, will be fired from the batteries of Fort William.

The Coffin having been placed on a gun-carriage at the foot of the Grand Staircase of Government House, a Funeral Service will be performed at 7 A. M. by the Right Reverend the Lord Bishop of Calcutta.

Places will be allotted, without regard to precedence of rank, to members of the Christian community of Calcutta on the steps of the Grand Staircase. The number of these will of necessity be limited by considerations of space. The platform in the centre of the Staircase will be reserved for the Bishop of Calcutta, the Officiating Clergy, the Choir, and the Christian members of the Procession which will accompany the Coffin to the place of embarkation. All other persons desirous of witnessing the ceremony will be provided with places on the north-east and north-west sides of the Government House enclosure. Places should be occupied by 6-30 A. M.

At the conclusion of the Funeral Service, the public ceremonial will be considered to have closed. The congregation on the Grand Staircase, as well

as those who have places in the enclosure, will, however, retain their places while the Coffin, under a Military and Naval Escort, and accompanied by the Procession detailed below, is conveyed through the North Entrance of Government House towards the place of embarkation in the following order :—

Officers of the Quarter Master General's Department.

A Detachment of 1st Bengal Cavalry (mounted).

The Escort, consisting of the Calcutta Volunteer Rifle Corps, with arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments,—the Bands playing "The Dead March in Saul."

The Viceroy's Band.

The Body Guard (dismounted).

The Viceroy's Chaplain. The Lord Bsihop. The Domestic Chaplain.

Col. G. Delane, Comdg. Body-Guard.

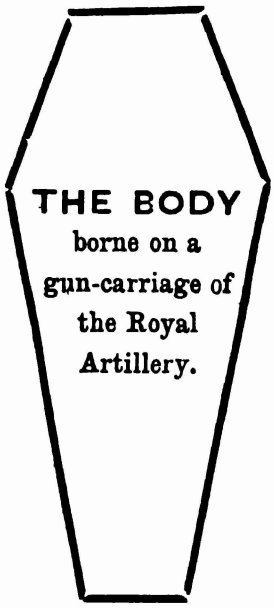
Lieut. T. Deane.

Capt. F. H. Gregory, A-D-C.

Capt. R. H. Grant, A-D-C.

Dr. C. Barnett.

Subadar Major and Sirdar Bahadoor Sewbuccus Awusty, A-D-C.



Capt. H. B. Lockwood, A-D-C.

Capt. C. L. C. de Robeck, A-D-C.

Capt. T M. Jones, R. N.

Col. W. Jervois, R. E.

Co'. T. James.

Dr. J. Fayrer.

Lieut. C. Hawkins, R. N.

The Earl of Donoughmore.

Major O. T. Burne, Private Secretary.

Chief Mourners.

The Hon'ble Terence Bourke.

The Hon'ble R. Bourke. Major the Hon'ble E. R. Bourke.

Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow* and *Daphne*.

Officers of Her Majesty's Ships *Glasgow* and *Daphne*.

His Excellency the Acting Governor General.

His Honor the Lieutenant-Governor of Bengal. His Excellency the Commander-in-Chief.

The Chief Justice of Bengal. The Most Reverend the Archbishop and Vicar-Apostolic of Western Bengal.

The Ordinary Members of the Council of the Governor General.

Consuls General. The Chief Commissioner of British Burmah.

Consuls and Agents of Foreign Powers.

Two Representatives from, respectively—

The Civil Service.
The Bar of the High Court.
The Justices of the Peace for the Town of Calcutta.
The Chamber of Commerce.
The Trades Association.
The Landholders' Association.
The British Indian Association.
The Mahomedan Literary Association.
The Freemasons of Bengal.
The British Mercantile Service.
Foreign Mercantile Service.

One representative of each of the Daily Newspapers.

The Secretaries to the Government of India.

The Adjutant General and Quarter Master General of the Army.

Personal Staff of His Excellency the Acting Governor General, His Honor the Lieutenant-Governor of Bengal, and His Excellency the Commander-in-Chief.

A Detachment of 1st Bengal Cavalry.

On the Coffin leaving Government House, twenty-one minute guns will be fired from a Battery of Royal Artillery in Dalhousie Square.

The route—which will be along Wellesley Place, the south-west angle of Dalhousie Square, Coilah Ghaut Street, and the Strand, to the Custom House Jetty—will be lined throughout with Troops under the orders of the Brigadier General Commanding the Presidency District.

On reaching the entrance of the Jetty enclosure, the horses will be removed from the gun-carriage, which will then be drawn along the Jetty by a detachment of Sailors. The Escort will remain outside the enclosure,—the Procession accompanying the Coffin to the river side. When the Coffin has been received on board, the Escort and Troops will be marched off, under the orders of the Brigadier General Commanding.

Her Majesty's Ship *Daphne* will then steam down the river, receiving a royal salute from the batteries of Fort William on passing Fort Point.

That evening, forty-nine minute guns will be fired from the Fort; the last gun to be fired, and the flag to be dropped, as the sun sets.

It is considered desirable to explain that the route selected for the line of march on Wednesday, the 21st, is so short, and the space at the point of

embarkation so restricted, that it has been found necessary to very greatly reduce the numbers of those joining the Procession.

Admission to the ceremony will be by Tickets. Those for the Procession and Grand Staircase will be distributed by the Foreign Office on application from 2 to 6 P. M. to-day; those for the area of the north-east and north-west sides of Government House, by the Bengal Secretariat.

Officers entitled to wear uniform will appear in full dress, with the mourning ordered to be worn on the occasion of the reception of the remains of the late Viceroy.

European and Native gentlemen not entitled to wear uniform are requested to appear in mourning, according to their respective customs.

By Order,

E. C. BAYLEY,

Secy. to the Govt. of India.

Printed and Published for the GOVT OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, FEBRUARY 20, 1872.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Fort William, the 20th February 1872.

No. 826.

THE ACTING GOVERNOR GENERAL IN COUNCIL directs the publication, for general information, of the following message which he has received from the Secretary of State for India on the part of Her Most Gracious Majesty the QUEEN :—

"I am commanded by the QUEEN to forward the following message for publication in India :—

"'The QUEEN has been deeply affected by the intelligence of the deplorable calamity which has so suddenly deprived all classes of her subjects in India of the able, vigilant, and impartial rule of one who so faithfully represented her as Viceroy of her Eastern Empire. Her Majesty feels that she has indeed lost a devoted servant and a loyal subject in whom she reposed the fullest confidence. To LADY MAYO the loss must be irreparable, and the QUEEN heartily sympathises with her under the terrible blow.' "

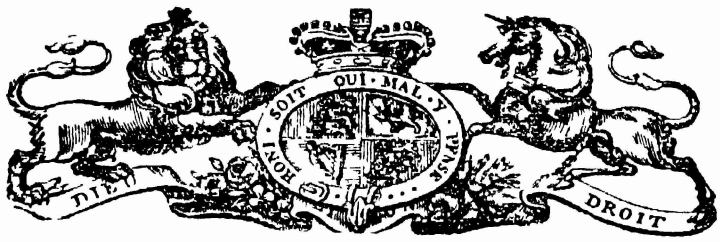
By Order,

E. C. BAYLEY,

Secy. to the Govt. of India.

Printed and Published for the GOVT OF INDIA, *at the Office of* SUPDT. GOVT PRINTING, 8, *Hastings Street, Calcutta.*

No. 8 of 1872.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 24, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations .. ..181—200

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices ... . 57—61

PAGE.

PART III.—Advertisements and Notices by private Individuals and Corporations .... 53—55

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—
Not printed this week.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—
Not printed this week.

SUPPLEMENT, No. 8 ....153—161

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 16th February 1872.

No. 815.—HIS EXCELLENCY THE ACTING GOVERNOR GENERAL IN COUNCIL notifies for public information the following arrangements for the reception in Calcutta of the remains of HIS EXCELLENCY THE RIGHT HON'BLE THE EARL OF MAYO, late Viceroy and Governor General of India.

Her Majesty's Ship *Daphne*, conveying the remains, will arrive within the limits of the Port of Calcutta during the afternoon of Saturday, the 17th instant.

A Deputation, consisting of His Honor the Lieutenant-Governor of Bengal, with his Personal Staff, the Hon'ble B. H. Ellis and the Hon'ble Major-General Norman, C. B., Members of Council, with the Secretaries to the Government of India in the Home and Military Departments, and the Personal Staff of the late Viceroy, will proceed down the river to meet the *Daphne*, and will accompany the remains to the point where the Procession will be formed.

His Excellency the Acting Governor General, His Excellency the Commander-in-Chief, the Chief Justice of Bengal, the Right Reverend the Lord Bishop of Calcutta, and the Ordinary Members of the Council of the Governor General will be present at Prinsep's Ghaut to receive the remains of HIS EXCELLENCY LORD MAYO, and to escort them to Government House. The head of the Procession, which will be formed at 4 P. M., will rest upon the Strand Road opposite Prinsep's Ghaut, extending along the road leading to Kidderpore Bridge. A Battery of Royal Artillery will be placed near Prinsep's

Ghaut, from which twenty-one minute guns will be fired on the arrival of the Coffin. After the last gun has been fired from the Battery, twenty-one minute guns will be fired from the Fort.

While the minute guns are firing the Procession will start from Prinsep's Ghaut and proceed on foot (except as otherwise specified below) by way of the Strand Road, round the southern end of the Eden Gardens to Government House.

The Procession will move in the following order:—

An Officer of the Quarter-Master General's Department (mounted).
A Detachment of 1st Bengal Cavalry (mounted).
The escort consisting of the Calcutta Volunteer Rifle Corps, with Arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments, the Bands playing a Funeral March.
The Viceroy's Band.
The Body Guard (dismounted).
Clergy of Fort and Cathedral Churches.
The Chaplain to the late Viceroy.
Dr. J. Fayrer, C. S. I.

Col. G. Delane, Comdg. Body-Guard.
Capt. F. H. Gregory, A-D-C.
Dr. O. Barnett, Surgeon to the Viceroy.
Colonel T. James, C. B.
Capt. H. B. Lockwood, A-D-C.
The Earl of Donoughmore.
Capt. T. M. Jones, R. N., H. M.'s S. "Glasgow."

THE BODY borne on a gun-carriage of the Royal Artillery.

Lieut. T. Deane, Adjt., Body-Guard.
Capt. R. H. Grant, A-D-C.
Subadar Major and Sirdar Bahadoor Sewbuccus Awusty, A-D-C.
Capt. C. L. C. de Robeck, D-A-C.
Col. Jervois, C. B., R. E.
Lieut. C. Hawkins, R. N., Naval A-D-C.

Major O. T. Burne, Private Secretary.

Chief Mourners.

The Hon'ble Terence Bourke.

The Hon'ble R. Bourke, M. P. Major the Hon'ble E. R. Bourke.

His Excellency the Viceroy's Charger.

Confidential Clerk to His Excellency the Viceroy.
His Excellency's Personal Servants.
The Registrars and Clerks of Government House Offices.
The Viceroy's Native Personal Servants.
Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow* and *Daphne*.
Officers of Her Majesty's Ships *Glasgow* and *Daphne*.
His Excellency the Acting Governor General.
His Honor the Lieutenant-Governor of Bengal. His Excellency the Commander-in-Chief.
The Chief Justice of Bengal. The Right Reverend the Lord Bishop of Calcutta. The Most Reverend the Archbishop and Vicar Apostolic of Western Bengal.
The Ordinary Members of the Council of the Governor General.
The Puisne Judges of the High Court of Judicature.
The Additional Members of the Council of the Governor General.
Native Princes.
Consuls General. The Chief Commissioner of British Burmah.
Consuls and Agents of Foreign Powers.
The Secretaries to the Government of India.
The Members of the Council of the Lieutenant-Governor of Bengal.
The Adjutant General and Quarter-Master General of the Army and Deputy Adjutant General of Royal Artillery.

The Inspectors General of Hospitals, British and Indian Medical Departments.
The Secretaries to the Government of Bengal.
Personal Staff of His Honor the Lieutenant-Governor of Bengal.
Personal Staff of His Excellency the Commander in-Chief.
The Advocate General, the Standing Counsel, the Solicitor to Government, and the Bar of the High Court.
Chairman, Vice-Chairman, and Justices of the Peace for the Town of Calcutta.
Agents and superior Officers of Railways.
Members of the Press.
President and Vice-President and Deputation of the Chamber of Commerce.
The Master and Deputation of the Trades Association.
The President and Deputation of the Landholders Association.
President and Deputation of the British Indian Association.
President and Deputation of the Mahomedan Literary Association.
Provincial Grand Master and Deputation of the Freemasons of Bengal.
The Clergy and Ministers of the Churches of Calcutta.
Civil, Military, and Naval Officers of Government not named above.
Members of the general community of Calcutta.
The Master Attendant, Deputy and Assistant Master Attendants.
Captains, Officers, and Deputations of four Sailors from each of the Ships in Port.
Detachment 1st Bengal Cavalry.

The Procession will, except as otherwise directed, be drawn up eight abreast.

The road from Prinsep's Ghaut to Government House will be lined by the following troops, under the orders of the Brigadier General Commanding the Presidency District:—

H. M.'s 1st Battalion 14th Foot, H. M.'s 107th Regt., 8th Regt. Native Infantry, 10th Regt. Native Infantry, and 13th Regt. Native Infantry.

The Procession will approach Government House by the north-west gate; the escort, Sailors and Marines, will form up on either side of the road within the gates, and the Coffin will be halted opposite the centre of the Grand Staircase. On the approach of the Procession, twenty-one minute guns will be fired from a Battery of Royal Artillery drawn up at Government House.

The portion of the Procession ending with the Personal Staff of His Excellency the Commander-in-Chief will remain with the Coffin. The remainder of the Procession will file past the Coffin, and then pass out of Government House by the north-east gate. The public ceremonial will then close, and the Coffin will be removed into Government House.

Gentlemen intending to join the Procession should be in their places not later than 4 P. M.

Officers entitled to wear uniform will appear in full dress, with sword-knots covered with crape and black bands on left arm, and Military sashes will be craped.

European and Native gentlemen not entitled to wear uniform are requested to appear in mourning according to their respective customs.

Admission to the Procession will be by tickets; those for the general community of Calcutta will be distributed at the Bengal Secretariat, and those for Officers and Sailors of Vessels in Port will be distributed at the Master Attendant's Office; all others by the Foreign Office.

The 17th February 1872.

No. 817.—The ACTING GOVERNOR GENERAL notifies for public information that the remains of HIS EXCELLENCY THE RIGHT HON'BLE THE EARL of MAYO, late Viceroy and Governor General of India, will Lie in State in the Throne-Room of Government House from half past six to half past ten A. M., and from three to six P. M., on Monday the 19th and Tuesday the 20th February.

On each day, and during the period mentioned, all who desire to pay this last token of their personal respect to THE LATE VICEROY AND GOVERNOR GENERAL will be admitted to view the Lying-in-State.

The admission will be by tickets, which will be given at the North-East Gate, on application. Visitors will alight at the North-East Gate, and will proceed on foot to the Grand Staircase. After viewing the Lying-in-State they will proceed on foot through Government House to the South-West Gate, where carriages will be arranged by the Police.

Military Officers will appear in full dress, with the mourning ordered to be worn on the occasion of the reception of the remains of the late VICEROY.

The 20th February 1872.

No. 825.—THE ACTING GOVERNOR GENERAL IN COUNCIL notifies that the remains of HIS EXCELLENCY THE EARL OF MAYO, late Viceroy and Governor General of India, will be removed from Government House and conveyed on board Her Majesty's Ship *Daphne* early on the morning of Wednesday, the 21st February.

The Ceremonial will be conducted as follows:—

Twenty-one minute guns, commencing at sun-rise, will be fired from the batteries of Fort William.

The Coffin having been placed on a gun-carriage at the foot of the Grand Staircase of Government House, a Funeral Service will be performed at 7 A. M. by the Right Reverend the Lord Bishop of Calcutta.

Places will be allotted, without regard to precedence of rank, to members of the Christian community of Calcutta on the steps of the Grand Staircase. The number of these will of necessity be limited by considerations of space. The platform in the centre of the Staircase will be reserved for the Bishop of Calcutta, the Officiating Clergy, the Choir, and the Christian members of the Procession which will accompany the Coffin to the place of embarkation. All other persons desirous of witnessing the ceremony will be provided with places on the north-east and north-west sides of the Government House enclosure. Places should be occupied by 6-30 A. M.

At the conclusion of the Funeral Service, the Public Ceremonial will be considered to have closed. The congregation on the Grand Staircase, as well as those who have places in the enclosure, will, however, retain their places while the Coffin, under a Military and Naval Escort, and accompanied by the Procession detailed below, is conveyed through the North Entrance of Government House towards the place of embarkation in the following order:—

Officers of the Quarter Master General's Department.
A Detachment of 1st Bengal Cavalry (mounted).
The Escort, consisting of the Calcutta Volunteer Rifle Corps, with arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments,—the Bands playing "The Dead March in Saul."
The Viceroy's Band.
The Body Guard (dismounted).
The Viceroy's Chaplain. The Lord Bishop. The Domestic Chaplain.

Col. G. Delane, Comdg. Body-Guard.	THE BODY borne on a gun-carriage of the Royal Artillery.	Lieut. T. Deane.
Capt. F. H. Gregory, A-D-C.		Capt. R. H. Grant, A-D-C.
Dr. O. Barnett.		Subadar Major and Sirdar Bahadoor Sewbuccus Awusty, A-D-C.
Capt. H. B. Lockwood, A-D-C.		Capt. C. L. C. de Robeck, A-D-C.
Capt. T. M. Jones, R. N.		Col. W. Jervois, C. B., R. E.
Col. T. James, C. B.		Dr. J. Fayrer, C. S. I.
Lieut. C. Hawkins, R. N.		The Earl of Donoughmore.

Major O. T. Burne, Private Secretary.

Chief Mourners.

The Hon'ble Terence Bourke.
The Hon'ble R. Bourke, M. P. Major the Hon'ble E. R. Bourke.

His Excellency the Viceroy's Charger.

Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow* and *Daphne*.

Officers of Her Majesty's Ships *Glasgow* and *Daphne*.

His Excellency the Acting Governor General.

His Honor the Lieutenant Governor of Bengal. His Excellency the Commander-in-Chief.

The Chief Justice of Bengal. The Most Reverend the Archbishop and Vicar-Apostolic of Western Bengal.

The Ordinary Members of the Council of the Governor General.

Consuls General. The Chief Commissioner of British Burmah.

Consuls and Agents of Foreign Powers.

Two Representatives from, respectively—
- The Civil Service.
- The Bar of the High Court.
- The Justices of the Peace for the Town of Calcutta.
- The Chamber of Commerce.
- The Trades Association
- The Landholders' Association.
- The British Indian Association.
- The Mahomedan Literary Association.
- The Freemasons of Bengal.
- The British Mercantile Service.
- Foreign Mercantile Service.

One representative of each of the Daily Newspapers.

The Secretaries to the Government of India.

The Adjutant General and Quarter Master General of the Army.

Personal Staff of His Excellency the Acting Governor General, His Honor the Lieutenant Governor of Bengal, and His Excellency the Commander-in-Chief.

A Detachment of 1st Bengal Cavalry.

On the Coffin leaving Government House, twenty-one minute guns will be fired from a Battery of Royal Artillery in Dalhousie Square.

The route—which will be along Wellesley Place, the south-west angle of Dalhousie Square, Coilah Ghaut Street, and the Strand, to the Custom House Jetty—will be lined throughout with Troops under the orders of the Brigadier General Commanding the Presidency District.

On reaching the entrance of the Jetty enclosure, the horses will be removed from the gun-carriage, which will then be drawn along the Jetty by a detachment of Sailors. The escort will remain outside the enclosure,—the Procession accompanying the Coffin to the river side. When the Coffin has been received on board, the Escort and Troops will be marched off under the orders of the Brigadier General Commanding.

Her Majesty's Ship *Daphne* will then steam down the river, receiving a royal salute from the batteries of Fort William on passing Fort Point.

That evening, forty-nine minute guns will be fired from the Fort; the last gun to be fired, and the flag to be dropped, as the sun sets.

It is considered desirable to explain that the route selected for the line of march on Wednesday, the 21st, is so short, and the space at the point of embarkation so restricted, that it has been found necessary to very greatly reduce the numbers of those joining the Procession.

Admission to the ceremony will be by tickets. Those for the Procession and Grand Staircase will be distributed by the Foreign Office on application from 2 to 6 P. M. to-day; those for the area of the north-east and north-west sides of Government House, by the Bengal Secretariat.

Officers entitled to wear uniform will appear in full dress, with the mourning ordered to be worn on the occasion of the reception of the remains of the late Viceroy.

European and Native gentlemen not entitled to wear uniform are requested to appear in mourning, according to their respective customs.

No. 826.—THE ACTING GOVERNOR GENERAL IN COUNCIL directs the publication, for general information, of the following message which he has received from the Secretary of State for India on the part of Her Most Gracious Majesty the QUEEN :—

"I am commanded by the QUEEN to forward the following message for publication in India :—

"The QUEEN has been deeply affected by the intelligence of the deplorable calamity which has so suddenly deprived all classes of her subjects in India of the able, vigilant, and impartial rule of one who so faithfully represented her as Viceroy of her Eastern Empire. Her Majesty feels that she has indeed lost a devoted servant and a loyal subject in whom she reposed the fullest confidence. To LADY MAYO the loss must be irreparable, and the QUEEN heartily sympathises with her under the terrible blow."

No. 838.—THE ACTING GOVERNOR GENERAL IN COUNCIL directs that every mark of distinction and respect shall continue to be paid to Her Excellency the Countess of Mayo while Her Excellency may remain in India. The requisite Guards and Escorts will be furnished, and Public Officers are charged with the duty of fulfilling the anxious desire of the Government of India that nothing shall be omitted which can tend in any way to promote Her Excellency's dignity and convenience.

No. 853.—THE ACTING GOVERNOR GENERAL IN COUNCIL having ascertained that the Lords of Her Majesty's Most Hon'ble Privy Council have ordered that Prayers and Thanksgivings should be offered up to ALMIGHTY GOD for the recovery of HIS ROYAL HIGHNESS THE PRINCE OF WALES upon Tuesday next, the 27th instant, deems it right and proper to set apart the same day as one of Thanksgiving by all faithful subjects of HER MOST GRACIOUS MAJESTY THE QUEEN in India. THE ACTING GOVERNOR GENERAL IN COUNCIL accordingly invites all Her Majesty's subjects to offer up special Public Prayers and Thanksgivings upon the 27th instant in the Churches, Congregations, and Assemblies, for the recovery of HIS ROYAL HIGHNESS THE PRINCE OF WALES.

THE ACTING GOVERNOR GENERAL IN COUNCIL further directs that the General Treasury and all Public Offices throughout British India shall be closed on the same day.

The 22nd February 1872.

No. 882.—HIS EXCELLENCY THE RIGHT HON'BLE BARON NAPIER OF MERCHISTOUN, K.T., is expected to arrive in Calcutta in the Steam Ship *Patna* on Friday, the 23rd, to assume the office of Viceroy and Governor General of India.

The Secretary to the Government of India in the Home Department, the Military Secretary to the Acting Governor General, and an Aide-de-Camp to the Acting Governor General will proceed down the river in the *Sir William Peel* to wait upon THE RIGHT HON'BLE BARON NAPIER OF MERCHISTOUN.

When the *Patna* passes Atcheepore, five guns will be fired from Fort William.

The *Patna* will anchor near the Dockyard

At 4½ o'clock P. M. the Secretaries to the Government of India will wait upon THE RIGHT HON'BLE BARON NAPIER OF MERCHISTOUN on board the *Patna.*

His Excellency will be conveyed from the *Patna* to Chandpal Ghât in the Yacht *Sonamúkhí.*

His Excellency will land at Chandpal Ghât at 5½ P. M., or about that time. Upon landing, His Excellency will be received by the Secretary to the Government of Bengal, the Commissioner of Police, the Master Attendant, and the Sheriff of Calcutta. When His Excellency lands, a salute of 21 guns will be fired from the ramparts of Fort William.

THE RIGHT HON'BLE BARON NAPIER OF MERCHISTOUN will then proceed to Government House, where His Excellency will be received at the foot of the Great Entrance by the Lieutenant Governor of Bengal, and at the head of the steps by the Acting Governor General and the Members of the Governor General's Council.

All the Civil Officers of the Government and the whole of the Garrison and General Staff, as well as other Officers on duty at the Presidency, are requested to be in attendance at Government House at 5 P. M., upon this occasion, in full uniform or evening dress.

When HIS EXCELLENCY THE RIGHT HON'BLE BARON NAPIER OF MERCHISTOUN shall have taken his seat as Viceroy and Governor General in Council, a further salute of 21 guns will be fired from the ramparts of Fort William.

No. 883.—The following Garrison Order is published for general information :—

"*Presidency District Order by Brigadier General* W. L. INGALL, C. B., *Commanding Presidency District.*

Fort William, the 22*nd February* 1872.

No. 113.

"Under instructions from Army Head Quarters, the whole of the Troops in Garrison (1st Battalion 14th Foot, 107th Regiment, 8th and 13th Native Infantry, and Detachment 10th Native Infantry) will parade in review order between Chandpal Ghât and Government House at 5 P. M. to-morrow, the 23rd instant, for the reception of HIS EXCELLENCY THE RIGHT HON'BLE FRANCIS BARON NAPIER OF MERCHISTOUN, K.T.

"A wing of the 1-14th Foot, with Band and Colors, under command of a Field Officer, will be drawn up facing the river at Chandpal Ghât to receive His Excellency on landing.

"The road running from Chandpal Ghât in front of the new High Court buildings to the north-west gate of Government House will be lined with Troops in single ranks, as follows,—the 8th Native Infantry with its flanks resting on the Ghât, the extension continued by the 13th Native Infantry, and concluded by the Detachment 10th Native Infantry.

"A wing of the 107th Regiment, with Band and Colors, under command of a Field Officer, will be drawn up facing the Grand Staircase of Government House to receive His Excellency on arrival. The remainder of the 1-14th Foot and 107th Regiment will form a street from the north-west gate to the Grand Staircase.

"A salute of 21 guns will be fired from the ramparts of Fort William as His Excellency lands at Chandpal Ghât, and a further salute of 21 guns will be fired when HIS EXCELLENCY THE RIGHT HON'BLE BARON NAPIER OF MERCHISTOUN shall have taken his seat as Viceroy and Governor General in Council.

By Order,

A. J. COLVIN BIRCH, *Captain,*

Brigade Major.

The 23*rd February* 1872.

No. 920.—PROCLAMATION.—Whereas the death of the RIGHT HON'BLE THE EARL OF MAYO, K. P., G. M. S. I., has caused a vacancy in the office of Governor General of India; and whereas it has been provided by the 50th Section of the Act 24 & 25 Vic., Cap. 67, that "if any vacancy shall happen in the office of Governor General of India when no provisional successor shall be in India to supply such vacancy, then, and in every such case, the Governor of the Presidency of Fort St. George, or the Governor of the Presidency of Bombay, who

shall have been first appointed to the office of Governor by Her Majesty, shall hold and execute the said office of Governor General of India; and Governor of the Presidency of Fort William in Bengal, until a successor shall arrive or until some person in India shall be duly appointed thereto;" and whereas there is not in India any provisional successor to supply the vacancy in the office of Governor General of India, it is hereby proclaimed that HIS EXCELLENCY THE RIGHT HON'BLE FRANCIS BARON NAPIER OF MERCHISTOUN, K. T., Governor of the Presidency of Fort St. George, has this day assumed the office of Viceroy and Governor General of India and Governor of the Presidency of Fort William in Bengal.

HIS EXCELLENCY BARON NAPIER OF MERCHISTOUN, K. T., has this day taken the oaths and his seat in His Excellency's Council under a salute of twenty-one guns from the ramparts of Fort William.

The 20th February 1872.

No. 827.—The Acting Governor General in Council is pleased to permit Mr. W. S. Paterson to resign Her Majesty's Bengal Civil Service from the 9th proximo.

No. 831.—The Acting Governor General in Council is pleased to permit Sir Charles Parry Hobhouse, Baronet, to resign Her Majesty's Bengal Civil Service from the 27th December last.

No. 837.—Mr. H. Read, Deputy Commissioner of the 4th Class, in the Central Provinces, and officiating in the 3rd Class, reverted to his substantive appointment from the forenoon of the 25th January 1872, the date on which Mr. J. H. Fisher, Officiating Deputy Commissioner, 3rd Class, assumed charge of the Wardha District.

The 22nd February 1872.

No. 900.—In the exercise of the power vested in him by the last Clause of Section 2 of the European Vagrancy Act, 1869, His Excellency the Acting Governor General in Council is pleased to extend Sections 4 to 16 (both inclusive), 19, 20, 24, and 29 of the said Act to the Punjab, as well as to the dominions of the Princes and States in alliance with Her Majesty, situated within the limits of that Province, with effect from the date of the republication of this Notification in the *Local Gazette* of the Government of the Punjab.

The 23rd February 1872.

No. 917.—The foot note attached to Clause II of the Rules relating to the employment of Military Officers in the Civil and Political Departments, published in the Notification of this Department, No. 3101, dated 5th October 1864, is hereby cancelled.

No. 918.—The under-mentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department, to public inspection, upon payment of a fee of one Rupee. A certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying :—

No. 561.—Mr. Thomas Carr, Engineer of the City and County of Bristol, in the United Kingdom of Great Britain and Ireland, for an improved manufacture of wheat flour.

No. 562.—Mr. Thomas Carr, Engineer of the City and County of Bristol, in the United Kingdom of Great Britain and Ireland, for improvements in machinery, and arrangements for cleaning and reducing wheat maize beans, peas, and other seeds into flour, or semolina; part of which improvements are applicable to machinery for pulverising or reducing other substances.

No. 563.—Mr. James Nelson, Tea Planter of Cachar, for rolling Tea leaf by machinery.

No. 568.—Mr. Richard Olpherts, of Ardee House, Ardee in the County of Louth, Ireland, for improvements in presses for pressing indigo or other substances, and improved cutting devices to be used in connection therewith.

No. 588.—Mr. H. F. Howell, of Saint Catherines in the County of Lincoln, Province of Ontario, Canada, but at present residing in London, England, for improvements in washing, cleansing, and purifying petroleum, and other kinds of oil, and in apparatus for performing the same.

No. 589.—Sir William Thomson, Knight, Doctor of Laws, Professor of Natural Philosophy in the University and College of Glasgow, in the Kingdom of Great Britain, for improvements in transmitting, receiving, and recording instruments for electric telegraphs.

EDUCATION.

The 19th February 1872.

No. 95.—Under Section 12 of Act II of 1857, the Acting Governor General in Council authorizes the affiliation in Arts, up to the standard of the First Arts Examination, of the Metropolitan Institution, Calcutta, to the Calcutta University, with effect from the 1st ultimo.

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the

locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1*st*.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2*nd*.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3*rd*.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4*th*.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1*st*.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2*nd*.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

A. O. HUME,
Secretary to the Govt. of India.

SURVEYS.

Fort William, the 23rd February 1872.

No. 114.—The privilege leave of absence granted to Captain J. Herschel, R. E., Officiating Deputy Superintendent, 1st Grade, Great Trigonometrical Survey, in Notification No. 18, dated the 10th ultimo, is hereby cancelled.

No. 116.—Captain Llewellyn Wavell, Bengal Staff Corps, Probationary Assistant Superintendent of Revenue Survey, is confirmed as an Assistant Superintendent, 2nd Grade, with effect from the 27th January 1872.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

POLITICAL.

Fort William, the 19th February 1872.

No. 418*P*.—His Excellency the Acting Governor General in Council is pleased to publish the following address from the Consuls General and Consuls of Foreign Powers in Calcutta, with the reply of the Government of India thereto :—

Dated Calcutta, the 15th February 1872.

To—C. U. AITCHISON, Esq., C. S. I., Secy. to the Govt. of India for Foreign Affairs, Calcutta.

SIR,—In the name and on behalf of the Powers by whom We have been respectively accredited to the Government of British India, We, the undersigned, beg to express the deep sorrow and heartfelt indignation with which We have heard of the terrible and lamentable calamity which has befallen British India and England, and We, may add civilised humanity, in the loss of the able and popular representative of Her Britannic Majesty in this quarter of the globe—The EARL OF MAYO, Viceroy and Governor General of India.

As a Statesman and a friend he has equally commanded our respect and our affectionate regard.

We cannot, for ourselves and our countrymen in India, but tender our unfeigned sympathy to the Government which has lost so invaluable a head, and to the people so shockingly deprived of an inestimable ruler.

To the Noble Lady, upon whom we would not now venture to intrude, We trust that you will convey our assurance, that it is only our respect for her great sorrow that prevents us

from offering to her, personally, an expression of our profound regret for one whose value she, above all others, could best appreciate.

We have, &c.,

(Sd.) A. C. LITCHFIELD,
Consul General for America.

" H. REINHOLD.
Acting Consul for Austria.

" E. SERRUYS,
Consul General for Belgium.

" H. F. BROWN,
Consul for Denmark.

" C. TROPLONG,
Consul General for France.

" F. LAMOUROUX,
Consul General for Italy.

" ED. VANCUTSEM,
Consul for the Netherlands.

" JOHANN SMIDT,
Consul for the German Empire.

" MANICKJEE RUSTOMJEE,
Consul for Persia.

" W. E. DESOUZA,
Vice-Consul in charge of Consulate General for Portugal.

" HENRY BEER,
Acting Vice-Consul for Spain.

" H. REINHOLD,
Consul for Sweden and Norway.

No. 417P, dated the 19th February 1872.

From—C. U. AITCHISON, Esq., C. S. I., Secy. to the Govt. of India, FOREIGN DEPT.,

To—The Consuls General, Consuls and Vice-Consuls of Foreign Powers at Calcutta.

GENTLEMEN,—I am desired by His Excellency the Acting Governor General in Council to acknowledge the receipt of the letter in which, as the Representatives of the Powers in friendly alliance with the Government of Her Britannic Majesty, you have communicated your feelings of grief and indignation at the assassination of the late Viceroy.

2. The Government of India is deeply touched by the expressions of sympathy which that letter contains, and by the appreciation therein manifested of the high qualities of the Statesman who has been removed from the Empire, the interests of which he had so much at heart.

3. These expressions of grief and sympathy will be conveyed to the Noble Lady who has most intimate cause to mourn. They will, the Acting Governor General doubts not, be valued by her as highly as they are by the Government of India.

I have, &c.,

(Sd.) H. LEPOER WYNNE,
for *Secy. to the Govt. of India.*

GENERAL.

The 19th February 1872.

No. 327 *G.*—The Acting Governor General in Council is pleased to appoint Surgeon J. Ewart, M.D., to officiate in medical charge of the Mysore Princes, during the absence on furlough to Europe of Surgeon Major J. Fayrer, M.D., C.S.I.

H. LEPOER WYNNE.
for *Secretary to the Govt. of India.*

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 23rd February 1872.

TENDERS FOR THE BERAR SURPLUS CASH BALANCES—SEASON 1872.

NOTICE TO BANKERS, CAPITALISTS, AND OTHERS.

No. 1386.—Tenders are invited for the purchase of bills drawn against the surplus cash balances of the Berar treasuries on the conditions specified below :—

RULES.

1. Bills will be available for issue on the treasuries of Akolah and Oomrawuttee in the months and to the extent noted in statement at foot.
2. The bills will be drawn at sight, in even thousands, and paid in Government rupees at the treasuries drawn upon. No bill will be drawn for less than 5,000 Government rupees, but bills for sums in excess of this amount in even thousands, will be issued to suit the convenience of purchasers.
3. Bills drawn on Akolah can also, by special arrangement with the Deputy Commissioner of Akolah, if desired, be made payable at Khamgaon to the extent that funds may be available at that treasury on due notice being given to that officer by the purchaser.
4. Persons whose tenders may be accepted, will be required to pay the equivalent into the Resident's treasury at Hyderabad, in new hallee sicca rupees, prior to the issue of bills.
5. Tenders must specify the rate of exchange at which the tender is made, the par or assay value of 100 Government rupees being equivalent to 116-14-6 in hallee sicca currency.
6. Persons whose tenders may be accepted in whole, or in part, will be required, at the option of the Resident, to deposit 10 per cent. of the amount of their tenders on acceptance.
7. All tenders should be submitted in sealed envelopes, addressed as follows :—

TO THE FIRST ASSISTANT RESIDENT,

HYDERABAD, DECCAN,

and superscribed "TENDERS FOR BERAR SURPLUS OF 1872."

The name and address of the person tendering should be clearly written at foot of the tender.

8. The tenders will be opened at the Hyderabad Residency at noon on Monday, the 4th of March 1872, and persons tendering are invited to be present, or to be represented by their Agents.
9. The Resident will not bind himself to accept the highest or any tender, nor will any reason be assigned for rejection of tenders.
10. Tenders should specify clearly the amount of bills per month the purchaser desires, and the person or persons whose tenders may be accepted, will be required to pay the amount of their tenders into the Resident's treasury, as under :—

    Amount available in March, on or before the 20th March.

    Amount available in April, on or before the 15th April.
11. Tenders may be for the whole or any portion of the amount advertised.
12. The deposit referred to in Rule 6 will be forfeited in whole, or in part, at the option of the Resident, in the event of non-compliance with the terms of the tender.
13. Each tender must be accompanied by a deposit of Rs. 5,000 in hallee sicca coin, or Government securities, as a guarantee of good faith; which deposit will be returned in the event of non-acceptance of tender, but the tender itself will not be returned.

BERAR SURPLUS AVAILABLE IN 1872.

MONTHS.	AT AKOLAH.	AT OOMRAWUTTEE.	TOTAL.
	Govt. Rupees.	Govt. Rupees.	Govt. Rupees.
March	10,67,000	9,33,000	20,00,000
April	5,33,000	4,67,000	10,00,000
TOTAL ...	16,00,000	14,00,000	30,00,000

If when the last instalment of land revenue has been paid up, the state of the collections should warrant such a course, a supplementary notification will be issued stating whether any and what further limited amount will be available for withdrawal.

By order,

R. BULLOCK, *Captain,*

Offg. First Assistant Resident.

MINT AND CURRENCY.

The 22nd February 1872.

No. 1333.—The following statement of the silver received and coined in the mints of Calcutta and Bombay in January 1872 is published for general information :—

	CALCUTTA.			BOMBAY.		
	BULLION OR COIN RECEIVED DURING THE MONTH, VALUED IN RUPEES.		Coined and examined during the month, valued in Rupees	BULLION OR COIN RECEIVED DURING THE MONTH, VALUED IN RUPEES.		Coined and examined during the month, valued in Rupees
	Government.	Merchants		Government.	Merchants.	
In January 1872	165	34,91,686	25,32,907	...	76,62,918	8,99,775

No. 1339.—Lieutenant Colonel J. F. Tennant received charge of the Calcutta Mint from Surgeon Major J. F. Shekleton on the forenoon of the 10th instant, and made over charge of it to Lieutenant Colonel H. Hyde on the forenoon of the 15th idem.

Surgeon Major J. F. Shekleton received charge of the office of Assay Master of the Calcutta Mint from Surgeon H. E. Busteed on the forenoon of the 10th instant.

PENSIONS AND GRATUITIES.

The 23rd February 1872.

No. 1341.—The Acting Governor General in Council is pleased to direct that the following be added at the end of Rule 1, Section 66, Civil Pension Code :—

and gratuities are to be calculated on "average emoluments" (as defined in this Rule) instead of on "emoluments"

R. B. CHAPMAN,

Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 19th February 1872.

No. 163 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on urgent private affairs :—

Captain Francis Hallowell Inglefield, of the Bengal Staff Corps,—for six months, without pay, under the Regulations of 1854, embarking at Bombay.

The 20th February 1872.

No. 164 *of* 1872.—The under-mentioned Officers of the Royal Engineers, who have been placed under orders for duty in the Bengal Presidency, reported their arrival on the dates specified :—

Date of arrival in India, 4th November 1871.

Lieutenants James Campbell Barker and Charles Arthur Crompton,—date of arrival at Fort William, 1st December 1871.

No. 165 *of* 1872.—The services of the under-mentioned Officers of the Royal Engineers are placed at the disposal of the Public Works Department, with effect from the 4th November 1871 :—

Lieutenants James Campbell Barker and Charles Arthur Crompton.

No. 166 *of* 1872.—The following order issued by the Government of Bombay is confirmed :—

No. 97, *dated 2nd February* 1872.—Granting Captain F. Hammond, of the Bengal Staff Corps, 2nd Squadron Officer, 5th Punjab Cavalry, furlough to Europe on private affairs for two years, under the Furlough Regulations of 1868.

No. 167 *of* 1872.—Deputy Inspector General of Hospitals Joseph Rose, who vacated his staff appointment in the Medical Department under the provisions of G. G. O. No. 345, dated 18th April 1871, is re-appointed permanently to the Administrative Medical Staff of this Presidency, with effect from the 18th January 1872, *vice* Deputy Inspector General of Hospitals G. E. Morton, M. D., who vacated on the expiration of his tour of service in that grade.

No. 168 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Surgeon Major Joseph Fayrer, M. D., C. S. I., of the Medical Department (Honorary Physician to Her Majesty), Professor of Surgery, Medical College, Calcutta, and ex-officio First Surgeon, College Hospital,—for two years, under the Regulations of 1868.

This cancels G. G. O. No. 39 of 1872.

The 21st February 1872.

No. 169 *of* 1872.—The following promotions are made in the under-mentioned Corps of the Punjab Frontier Force :—

4th Regiment Punjab Cavalry.

Jemadar Mahomed Ameer Khan to be Ressaidar, *vice* Mukdoom Hussein Khan, deceased.

Kote Duffadar Dittay Shah to be Jemadar, *vice* Mahomed Ameer Khan, promoted.

The above promotions will have effect from the 1st December 1871.

3rd Regiment Punjab Infantry.

Havildar Poorun Singh to be Jemadar, from 1st December 1871, *vice* Dogur Singh, deceased.

4th Regiment Punjab Infantry.

Havildar Hyat Khan to be Jemadar, from the 9th October 1871, *vice* Wuzeer Khan, deceased.

No. 170 *of* 1872.—The following appointments are made :—

HYDERABAD CONTINGENT.—*1st Cavalry.*

Captain F. Weldon, of the Madras Staff Corps, to officiate as Squadron Subaltern during the period Lieutenant Hamilton may officiate as Adjutant, or until further orders.

PUNJAB FRONTIER FORCE.—*1st Punjab Infantry.*

Captain A. Vallings, of the Bengal Staff Corps, to be Adjutant.

No. 171 *of* 1872.—Jemadar Adjoodhia Singh, of the 40th (The Shahjehanpore) Regiment of Native Infantry, is transferred to the Pension Establishment on a stipend of Rs. 18 per mensem, as a special case, with effect from the date on which he may cease to receive effective pay. Pension payable in the Allahabad Circle.

No. 172 *of* 1872.—The Acting Governor General in Council is pleased to make the following appointment:—

EAST INDIAN RAILWAY VOLUNTEER RIFLE CORPS.—*Mirzapore Company, No.* 13.

Mr. Theodore Ernst to be Ensign, *vice* Ensign Price, promoted; subject to passing an examination in drill.

No. 173 *of* 1872.—The following order issued by the Resident at Hyderabad is confirmed:—

No. 19 *of the 6th February* 1872.—Appointing Captain F. Weldon, of the Madras Staff Corps, attached to the 29th Regiment Madras Native Infantry, to be Officiating Squadron Subaltern, 1st Cavalry, Hyderabad Contingent.

The 22nd February 1872.

No. 174 *of* 1872.—Lieutenant Colonel J. H. Jenkins, Deputy Assistant Commissary General, 1st Class, having returned from furlough to Europe, is appointed to officiate as Assistant Commissary General, 2nd Class, with effect from 1st February 1872, from which date, junior officers acting in higher grades will revert to their proper places in the Department.

No. 175 *of* 1872.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Ensign John James Money-Simons, of the 41st Foot, 1st Wing Subaltern, 24th (Punjab) Regiment of Native Infantry,—2nd January 1871.

No. 176 *of* 1872.—Ensign J. J. Money-Simons, of the 41st Foot, 1st Wing Subaltern, 24th (Punjab) Regiment Native Infantry, admitted to the Bengal Staff Corps in G. G. O. No. 175 of this date, will rank as Lieutenant in that Corps, under the operation of paragraph 84 of G. G. O. No. 332 of 1861, with effect from the 2nd January 1871, subject to Her Majesty's approval.

No. 177 *of* 1872.—Honorary Ensign Patrick McDermot, Deputy Assistant Commissary of Ordnance, Peshawur, is allowed leave of absence for six months, from the 16th January to the 15th July 1872, to visit Lahore, on medical certificate, under the Regulations of 1868.

No. 178 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Captain William Heathcote Unwin, of the Bengal Staff Corps, 1st Wing Subaltern, 5th Goorkha Regiment (The Hazara Goorkha Battalion),—for two years, under the Regulations of 1868, embarking at Bombay.

Captain Edward Temple, of the Bengal Staff Corps, Assistant Political Agent in Bundelcund, and Cantonment Magistrate, Nowgong,—for 19 months, under the Regulations of 1868, embarking at Bombay.

No. 179 *of* 1872.—The under-mentioned Officer is allowed furlough to Europe on medical certificate:—

Captain Charles Francis Moore, of the Madras Staff Corps, 1st Wing Subaltern, 37th Regiment Madras Native Infantry,—for two years, under the Regulations of 1868.

No. 180 *of* 1872.—The following promotions are made from the date specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval:—

BREVET.—*To be Colonel.*

Lieutenant Colonel Astell William Drayner, Madras Infantry,—17th February 1872.

No. 181 *of* 1872.—The under-mentioned Officers of the Staff Corps having completed five years' service as substantive Lieutenant Colonel, are promoted to the rank of Colonel by Brevet, from the date specified, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval:—

Lieutenants Colonel Augustus Fraser Baird, Bengal Staff Corps, and James Marquis, Bengal Staff Corps, and Lieutenant Ernest Augustus Belford Travers, Madras Staff Corps—17th February 1872.

No. 182 *of* 1872.—The under-mentioned Officers of the Bengal Staff Corps having completed 26 years' service, are promoted to the rank of Lieutenant Colonel, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Majors William Campbell McDougall and Isaac Forsyth MacAndrew,—20th February 1872.

No. 183 *of* 1872.—The under-mentioned Officers of the Bengal Staff Corps having completed 20 years' service, are promoted to the rank of Major, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Captain *The Hon'ble* James Hay Fraser and Captain Francis Hallowell Inglefield,—20th February 1872.

The 23rd February 1872.

No. 184 *of* 1872.—With reference to clause 4, paragraph 3, of the circular letter published in G. G. O. No. 274, dated 23rd March 1861, regarding the custody and condition of arms issued to Volunteer Corps in India, His Excellency the Governor General in Council is pleased to direct the addition to the above clause of the following rules as applicable to India :—

That in the event of a Commandant resigning command, an immediate report is to be made to Government of the name of his successor. With this report is to be forwarded a new receipt for the arms and accoutrements issued by Government to the Corps. Unless this Notification and new receipt is received, the Officer who signed the original receipt will still be held responsible for the condition of the arms; and should any on inspection be found injured or missing, steps will be taken to recover the amount from the signer of the original receipt.

All arms and accoutrements issued to Volunteer Corps are to be inspected twice a year by an Officer deputed for this duty.

No. 185 *of* 1872.—Head Constable, 1st Grade, Nuthoo Khan, formerly of the 5th Regiment, Punjab Infantry, and now of the Oude Police, having been declared unfit for further service by an Invaliding Committee, is transferred to the Pension Establishment on the local rate of pension of a Naick, *viz.*, Rs. 5 per mensem, with effect from the date on which he ceased to receive pay.

No. 186 *of* 1872.—The under-mentioned Officers have reported their departure for Europe on the dates specified :—

Lieutenant Colonel R. D. Macpherson, of the Bengal Staff Corps, G. G. O. No. 1028 of 1871,—per *Sumatra*, 4th November 1871.

Lieutenant Colonel (Brevet Colonel) E. M. Ryan, of the Bengal Staff Corps, G. G. O. No. 1102 of 1871,—per *Deccan*, 2nd February 1872.

No. 187 *of* 1872.—The under-mentioned Officers have reported their return from England :—

Captain C. Ransford, of the General List, Infantry; Surgeon F. H. O'Donel, M. D., of the Medical Department, in medical charge of the 19th (Punjab) Regiment Native Infantry; and Lieutenant Colonel H. Hyde, of the Royal Engineers, Mint Master, Calcutta,—date of arrival at Bombay, 8th February 1872.

Captain H. Wylie, of the General List, Infantry,—date of arrival at Fort William, 15th February 1872.

No. 188 *of* 1872.—Second Class Hospital Assistant Jehangiree Loll (No. 99), whose admission into the service was notified in G. G. O. No. 968 of 1870, is permitted, at his own request, to resign the service.

No. 189 *of* 1872.—The following order issued by the Government of Bombay is confirmed :—

No. 95, *dated 1st February* 1872.—Granting Major Richard Sanderson Simonds, of the Bengal Staff Corps, furlough on private affairs to the Cape of Good Hope and England for two years under the Furlough Regulations of 1868.

No. 190 *of* 1872.—The furlough on private affairs for two years granted to Veterinary Surgeon James Quallett, of the Veterinary Department, as notified in G. G. O. Nos. 917 of 1869 and 401 of 1871, is to be held to have effect from the 11th October 1869.

No. 191 *of* 1872.—The Acting Governor General in Council is pleased to make the following appointment:—

Ordnance Commissariat Department.

Colonel H. Lewis, Deputy Inspector General of Ordnance and Officiating Inspector General of Ordnance and Magazines, to officiate as Agent for Gun Carriages during the absence on leave of Colonel C V. Bowie, or until further orders.

The above appointment will have effect from the date of return from Europe of Major General Turner, C. B., Inspector General of Ordnance and Magazines.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 16*th February* 1872.

No. 93.—The following communication from the Government of India, in the Military Department, and its enclosure, are published for information and guidance in the Public Works Department:—

Office Memo. No. 925, *dated the* 29*th September* 1871.

The undersigned has the honor to acknowledge the receipt of memorandum No. 598 A. G., dated 15th September 1871, from the Public Works Department, enquiring to what extent the decision of this Department, published in Financial Department Notification No. 447 of 19th January 1869, regarding the grant of furlough on medical certificate to a Military Officer before the completion of eight years' actual service in India, is affected by the provisions of G. G. O. No. 613, dated 14th July 1871.

2. In reply, he has to state that the above General Order was not intended to supersede the previous ruling, and contains no new rule except in so far that it enables local Governments and Administrations, without the prior reference to the Supreme Government hitherto necessary for the grant of furlough, to grant limited leave as furlough under the terms of Rule XI of the Furlough Regulations.

3. A copy of a letter* of this date to the Government of Bombay, explaining the conditions under which local Governments are empowered to grant this leave, is enclosed for the information of the Public Works Department.

* No. 923.

Letter No. 923, *dated the* 29*th September* 1871, *from the Government of India, in the Military Department, to the Government of Bombay, Military Department.*

I am directed to acknowledge your letter, No. 3661, dated 6th September 1871, enquiring as to the interval at which a grant of furlough under Rule XI of the Furlough Rules of 1868 may be repeated.

2. In reply, I am to observe that leave under Rule XI can only be given when the Officer is not entitled to ordinary furlough, or is, owing to the number of absentees, unable to take it. Apart from this condition, there is no prescribed limit within which such leave may not be repeated, nor was it intended to fix any.

3. Leave under Rule XI is of so exceptional a nature, and can only be given in such cases of extreme and proved urgency, that it must be of the rarest occurrence for any one Officer to come under its operation a second time within any reasonable period.

4. Provided, therefore, that such leave is only granted in perfectly good faith, and is not allowed to become a form of privilege leave, with a *pro-formâ* certificate attached, the Governor General in Council is of opinion that no limitation in respect to periods need be laid down.

* * * * * * * * * *

No. 94.—Lieutenant Colonel H. A. Brownlow, R. E., is appointed to officiate as Chief Engineer and Joint Secretary to the Government of the North-Western Provinces, Public

Works Department, Irrigation Branch, during the absence on furlough of Colonel W. H. Greathed, or until further orders.

The 20th February 1872.

No. 95.—Mr. W. G. T. Stace, Executive Engineer, 4th Grade, Mysore, is transferred to the Indus Valley Railway.

No. 96.—Captain G. P. deP. Falconnet, R. E., Executive Engineer, 1st Grade, Central India, is transferred to Hyderabad.

No. 97.—Lieutenant B. Bloo l, R. E., is transferred from the Bombay to the Bengal Presidency, and his services are placed at the disposal of the Military Department, with effect from the 13th September 1871.

The 21st February 1872.

No. 98.—Captain C. H. Luard, R. E., Executive Engineer, 1st Grade, and Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, is appointed to officiate as Superintending Engineer, 3rd Grade, with effect from 6th October 1871.

No. 99.—Mr. T. Login, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as Superintending Engineer of the 2nd Circle, Public Works Department, Punjab, as a temporary arrangement.

No. 100.—The services of Captain G. G. C. Bigsby, R. E., Executive Engineer, 3rd Grade, Hyderabad, are replaced at the disposal of the Military Department.

The 22nd February 1872.

No. 102.—Mr. A. B. Sampson, B. A., Under Secretary to the Government of India, in the Public Works Department, returned from the privilege leave granted him in Public Works Department Notification No. 415 of the 1st November last, and resumed charge of his duties on the forenoon of this day.

The 23rd February 1872.

No. 103.—Messrs. B. A. Maine and J. Chennel, Supervisors, 1st and 2nd Grades, respectively, are transferred from the Indore State Railway to the Indus Valley Railway.

TELEGRAPH.

The 22nd February 1872.

No. 101.—Mr. I. Sherlock Hubbard is appointed Assistant Compiler of Telegraph Accounts.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 24, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

BANK OF BENGAL.

NOTICE.

Calcutta, the 21st February 1872.

Notice is hereby given, that the Bank of Bengal, General Treasury, and Public Debt Office will be closed on Tuesday next, the 27th instant, in conformity with Government Notification dated 20th instant.

By order of the Directors,
GEO. DICKSON,
Secretary and Treasurer.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.

ESTATE OF DR. J. H. COLLINS

Letters of Administration to the Estate and Effects of John Hammett Collins, late of No. 8, Woodhill, Porteshead, in the County of Somerset in England, Surgeon, deceased, have been granted by the High Court of Judicature at Fort William in Bengal, to the Administrator General of Bengal. All persons having claims upon, being indebted to, or holding property belonging to the said Estate, are requested to place themselves in immediate communication with the said Administrator General.

CALCUTTA;
4, STRAND,
The 16th February 1872.

L. P. D. BROUGHTON,
Administrator General.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
February 12th, 1872 ..		3,50,612	24,90,689	4,96,537	64,26,487
„ 13th „ ...	Holiday .	...	...	...	...
„ 14th „ ...	Ditto ...	.	.	...	..
„ 15th „ ...	.	3,72,252	21,09,178	5,28,944	67,76,487
„ 16th „ ..	...	4,75,191	16,56,830	5,95,829	71,76,487
„ 17th „ ...	...	..		...	...

CALCUTTA MINT,
The 19th February 1872.

H. HYDE, *Lieut. Col.*,
Mint Master.

Statement of Transactions of District Savings Banks for the week ending 22nd February 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	33	3,458 1 2	26	2,487 9 8	9 5 6	1,89,982 8 6
N. W. Provinces ...	13	18	550 0 0	6	1,523 5 0	13 0 6	62,514 9 0
Punjab	13	19	1,928 0 0	6	573 5 6	7 11 6	45,934 10 8
Oude	4	1	360 0 0	3	364 0 0	..	17,924 12 8
Central Provinces ...	4	1	100 0 0	...	...	...	35,206 7 6
British Burmah .	5	2	110 0 0		.	...	7,588 10 5
Berar	2	2	50 0 0	.	...	...	10,275 7 1
India	3	27	1,338 10 8	6	395 0 0	.	16,991 10 5
TOTAL ...	89	103	7,894 11 10	47	5,343 4 2	30 1 6	3,86,418 12 3

CALCUTTA,
The 22nd February 1872.

HUGH D. SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 20th February 1872.

LIABILITIES.		Rs. A. P.
Proprietors' Capital, paid-up ...		2,20,00,000 0 0
Reserve Fund		15,40,869 7 0
	Rs. A. P.	
General Treasury Balance at Head Office	3,62,72,695 4 3	5,60,45,723 6 9
General Treasury Balance at Branches ..	1,97,73,028 2 6	
Other Deposits at Head Office and Branches		2,25,25,409 9 3
Bank Post Bills, &c. ...		9,04,627 5 11
Sundries		7,54,593 2 3
TOTAL ...		10,37,71,222 15 2

ASSETS.		Rs. A. P
Government Securities ...		93,67,205 12 0
Loans on Government Securities at Head Office and Branches ..		85,28,483 12 10
Accounts of Credit on Government Securities at Head Office and Branches		1,67,70,656 9 9
Mercantile Bills discounted at Head Office and Branches ...		1,98,28,171 11 6
Dead Stock		11,86,385 4 9
Stamps		13,923 5 0
Balances with other Banks ...		4,82,051 8 7
Sundries		1,47,193 5 5
		5,63,24,071 5 10
	Rs. A. P.	
Cash and Currency Notes at Head Office	1,54,75,350 15 0	4,74,47,151 9 4
Cash and Currency Notes at Branches	3,19,71,800 10 4	
TOTAL ...		10,37,71,222 15 2

By order of the Directors,

BANK OF BENGAL;
Calcutta, 22nd February 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th February 1872.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54.	4 PER CENT. LOAN							4½ PER CENT.				5 PER CENT.		5½ PER CENT.	DEBENTURES FOR			TOTAL AMOUNT.
		of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.	of 1856-57.	Transfer Loan dated 15th July 1870.	Loan dated 4th July 1871.	Transfer Loan of 1872.	P. W. of 1854-55.	Loan of 1856-57.	Loan of 1859-60.	5 years @ 5 per cent. Repayable June 1872.	10 years @ 5 per cent. Repayable June 1877.	15 years @ 5 per cent. Repayable June 1882.	
Balance of 31st January 1872 ...	53,100	20,374	2,880	19,83,680	39,97,300	1,48,79,400	1,21,73,500	1,30,34,000	14,500	33,78,300	8,77,000	2,48,78,900	...	1,09,57,100	4,04,93,000	22,81,000	33,11,000	36,50,000	13,59,85,034
Add— Amount enfaced at Madras between 1st and 15th February 1872	...	...	...	...	...	...	...	9,000	...	30,000	...	...	...	...	68,100	...	...	...	1,07,100
Amount enfaced at Bombay between 1st and 15th February 1872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,24,600	...	...	...	1,24,600
Amount enfaced at Calcutta between 1st and 15th February 1872	...	..	...	...	...	20,000	19,000	41,600	...	21,900	...	1,19,600	...	...	5,24,000	...	...	...	7,46,100
TOTAL ...	53,100	20,374	2,880	19,83,680	39,97,300	1,48,99,400	1,21,92,500	1,30,84,600	14,500	34,30,200	8,77,000	2,49,98,500	...	1,09,57,100	4,12,09,700	22,81,000	33,11,000	36,50,000	13,69,62,834
Deduct— Amount written off in the London Registers	...	...	...	...	43,800	13,500	1,06,300	71,500	...	5,000	...	...	...	6,98,500	3,13,000	...	..	...	12,51,600
Balance on 15th February 1872 ...	53,100	20,374	2,880	19,83,680	39,53,500	1,48,85,900	1,20,86,200	1,30,13,100	14,500	34,25,200	8,77,000	2,49,98,500	...	1,02,58,600	4,08,96,700	22,81,000	33,11,000	36,50,000	13,57,11,234

NOTE.—From 9th June 1867 to 15th Dec. 1871 enfaced from India 1,243 lakhs; re-transferred from London 1,188 lakhs.
" 15th Dec. 1871 to 30th " " " " 45 " " " 70 "
" 1st Jan. 1872 to 15th Jan. 1872 " " 34 " " " 25 "
" 16th " " to 31st " " " " 27 " " " 31 "
1st Feb. " to 15th Feb. " " 10 " " " 12 "
1,359 " 1,326 "
1,326 "
Balance against India .. 33 "

PUBLIC DEBT OFFICE.
BANK OF BENGAL;
Calcutta, the 19th Feb. 1872.

GEO. DICKSON,
Secretary and Treasurer.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The under-mentioned Graduates have passed the examination for Honors in Arts:—

ENGLISH.

FIRST CLASS.

In order of merit.

Hukum Chand	.. Delhi College.
Brajendranath De	.. Canning College, Lucknow.

SECOND CLASS.

In order of merit.

Ishánchandra Basu	.. Presidency College.
Rámgopal Chakravarti	.. Ditto.
Jogendranath Mukhopádhyáy	.. Calcutta Free Church Institution.
Surendranath Sarkar	.. Presidency College.
Kunjavihari Gupta	.. Ditto.

THIRD CLASS.

In order of merit.

Baishnavcharan Datta	.. Calcutta Free Church Institution.
Balaíchand Datta	.. Presidency College.
Avinaschandra Ghosh	.. Ditto.
Adyanath Mukhopádhyáy	.. Calcutta Free Church Institution.

SANSKRIT.

SECOND CLASS.

Sivnath Bhattacharyya	.. Sanskrit College.

HISTORY.

THIRD CLASS.

In order of merit.

Haricharan Mitra	.. Presidency College.
Birájkrishna Ghosh	.. Ditto.

MATHEMATICS.

SECOND CLASS.

Shasibhushan Mukhopádhyáy	.. Presidency College.

THIRD CLASS.

Baidyanath Basu	.. Kishnaghur College.

PHILOSOPHY.

FIRST CLASS.

Jogendranath Ghosh	.. Presidency College.

PHYSICAL SCIENCE.

THIRD CLASS.

Gyanchandra Chaudhuri	.. Presidency College.

The under-mentioned Graduates have passed the examination for the Degree of Master of Arts:—

In alphabetical order.

Bandyopádhyáy, Jogendranáth	.. Sanskrit College.
Datta, Ishanchandra	.. General Assembly's Institution.
Majumdar, Anandanath	.. Calcutta Free Church Institution.
Mukhopádhyáy, Kshetramohan	.. Presidency College.
Sen, Krishna Kumar	.. Calcutta Free Church Institution.
Srirám	.. Delhi College.

J. SUTCLIFFE,
Registrar.

CALCUTTA UNIVERSITY OFFICE,
The 19th February 1872.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 23rd February 1872.

Mails for Ceylon, Straits, China and Japan will be closed at this Office on Saturday, the 24th February, at 7 P. M., *viâ* Bombay.

Mails for Chittagong, Akyab, and Kyouk Phyoo, for transmission per Steamer *Penang*, will be closed at this Office on Monday, the 26th February, at 7 P. M.

Mails for Guadur, Muscat, Bunder Abbas, Linga, Bushire, Bagdad and Bussorah, for transmission per Steamer from Bombay, will be closed at this Office on Monday, the 26th February, at 7 P. M.

Mail for Port Blair, for transmission per Steamer *Scotia*, will be closed at this Office on Monday, the 26th February, at 7 P. M.

Mails for Rangoon, Moulmein, and Straits for transmission per Steamer *Dacca*, will be closed at this Office on Monday, the 26th instant, at 7 P. M.

Mails for Madras and Ceylon, for transmission per Peninsular and Oriental Company's Steamer *Indus*, will be closed at this Office on Wednesday, the 28th February, at 7 P. M.

Mails for Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Allepey, Cochin, Beypore, Calicut, Tellicherry, Cannanore, Mangalore, Carwar and Bombay, for transmission per Steamer *Patna*, will be closed at this Office on Wednesday, the 28th February, at 7 P. M.

The next Overland Mail *viâ* Bombay will close on Friday, the 1st March 1872.

2. Book post and pattern packets must be posted on the 29th February 1872.

N. B.—The Letter Box will close at 7 P. M. precisely, after which hour Overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M. by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

The 19th February 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 17th February 1872.

Austin, Major R.
Arakel, Mrs.
Atkinson, E. B.
Anderson, Mrs. M.

Barber, Mrs. S.
Barker, J. C.
Bailey, Mrs.
Bramber, R.
Badford, Capt. I. H.

Chary, J. R.
Cantopher, W. E.
Craig, J.
Christian, Mrs. H. E.
Caddy, A. E.

Dudley, Mrs. M.
DeFountain, Mrs. A.
Dollman, C.
Donlevy, H.
Drury, H.
Doon, Esq.

Emmer, C. W.
Edwards, Mrs.
Evans, A. M.

Fauneval, Mrs. M.

Gutherty, J.
Green, J.
Gardener, H.

Green, J.
Grant, L. W.
Greig, J.
Grant, F.

Hutchinson, F.
Hart, J.
Holmes, C.

Islandford, Lady.

Johans, A. T.
Jacobs, Mrs. M.
Joseph, Mrs. J.
Jones, D.

Keay, J. S.
Kendale, C. P. L.

Lindan, E.
Lindley, F.
Lattey, D. B.

Montgomerie, Major T. G.
McGill, G. A.
Mackie, J.
Moles, E. B.
Madge, E.
Manuel, E.
McNeil, Mrs. J.
Mussamut Rookreem Omeda.

Nuttall, C.
N. Y.

Nicholson, Mrs. G.

Paul, Miss A. C.
Panioty, J. C.

Right, Mrs.
Rodrigues, Mrs. M. A.
Rebbeck, J. K.
Robertson, R. D.

Shearman and Co.
Simpson, Major G. B. C.
Simpson, A. B. and Co.
Swiney, W. S.
Saunders, Mrs.

Tardival and Co.
Tannar, Major.
The Proprietor "Prince of Wales Hotel."
The Agents of Rowland's Articles, Chemist Bazar Dealer.

Viewing, Mrs. E.
Valeking, W.

Williams and Co.
Wilson, Mrs.
Weekes, A.
Westhorp, Mrs.
Wyllie, H.
Walker, I. E.
Walsh, H.

W. H. McGOWAN,
Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 24, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Notice.

Wanted for the Jhelum Bridge Division, Divers, European and Native, accustomed to the use of diving apparatus.

A. R BAYLY, *Major,*
Executive Engineer, J. B. Division.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted a Draftsman who can make drawings from dimensioned free-hand sketches and print with neatness and despatch. Maximum salary Rs. 80 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted a Clerk accustomed to the work of an Executive Engineer's Office, and who can write routine letters in good English. Maximum salary Rs. 60 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

PROMISSORY NOTES.

Lost.

On the 16th January 1872 a Promissory Note, No. 14851, for Rs 1,000, at 5 per cent., loan of 1856-57, standing in the name of Mr. Sakharam Ganesh Datar. The payment of the Note has been stopped.

SITARAM SAKHARAM DATAR.

The Government Promissory Note No. 14713 of 20031, of the 4 per cent. loan of 1842-43, for Company's Rs. 500, last endorsed to Bazenjee Furdoonjee, the Proprietor (by whom it was never endorsed to any other person). Payment of the above Note, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor.

BAZENJEE FURDONJEE,
Parsee Merchant.

JHANSI,
The 14th February 1872.

A Government Security, component No. 1108, of 4 per cent. loan of 1842-43, for Rs. 500, which was never endorsed to anybody.

THOS. REDDIE.

Lost or Stolen.

The four Government Securities of the 4 per cent. loan of 1865, No. 011415 for Rs. 2,000; Nos. 011416 and 011417 of Rs. 1,000 each, and No. 011418 for Rs. 1,400.

JUGGUR NATH KHETTRY.

The Indian Financial Almanack for 1872—*Price 4 annas.*

Just Published.

The Civil Pension Code, authorised edition, corrected to 2nd February 1872, octavo size, with every alternate page blank for entering notes and alterations. *Price Rs.* 1-4; *packing and postage 4 ans. extra.*

The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

ALLAHABAD CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE	NAME OF CLAIMANT.
	Note wholly lost or destroyed.		
		Rs.	
110	$\frac{D}{4}$11417	50	The Chief Inspector, Post Offices, Lucknow.
	Notes partially lost or destroyed.		
		Rs.	
232 ...	$\frac{D}{5}$08532 ...	10	Mr. Joseph Keelan, Calcutta.
256 ...	$\frac{D}{6}$22370 .	10 ...	Mirza Ibrahim Beg, Chundwara.
	$\frac{D}{6}$22371	10 ...	
257 .	$\frac{D}{6}$31087 ...	10 .	Pitumber Chuckerbutty, Calcutta.
258 .	$\frac{D}{3}$15246 ...	100 ..	W. R. D'Eye, late Captain, 92nd Highlanders, Belaspore.
259	$\frac{D}{3}$08622 ...	100 ...	Basakhur Ram Hurdial, Umritsur.
260 .	$\frac{D}{6}$26042 ...	10	F. H. Fisher, Esq., C.S., Banda.
	$\frac{D}{5}$07824 ...	20 ...	
	$\frac{D}{4}$13407 ...	50 ...	
261 ..	$\frac{D}{3}$02510 ...	100 ..	W. C. Turner, Esq., C.S., Futtehpore.
262	$\frac{D}{6}$39940 ...	10 ...	The Agent, Bank of Bengal, Umritsur.
263 ..	$\frac{D}{6}$22761 ..	10 .	Syed Meer, Lucknow.
264 ...	$\frac{A}{28}$04748 ..	20	Syed Allie, Calcutta.
265	$\frac{D}{4}$02314 wrongly joined $\frac{D}{4}$02315 wrongly joined	50 ...	Muthra Pershaud, Allahabad.

PAPER CURRENCY OFFICE;
ALLAHABAD,
The 15th February 1872.

S. JENNINGS, *A. A. G.*,
for *Deputy Commissioner of Paper Currency.*

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Note wholly lost or destroyed.		
18 ...	E/9 24979 ...	Rs. 100 ...	Colonel Macgregor, care of Captain Fred. Prinsep, Meean Meer.
	Notes partially lost or destroyed.		
17 ...	A/18 88326, A/18 88329 wrongly joined	Rs. 10 ...	The Agent, Bank of Bengal, Umritsur.

PAPER CURRENCY OFFICE;
LAHORE,
The 17th February 1872.

R. A. FINK, *A. A. G.*,
for *Deputy Commissioner.*

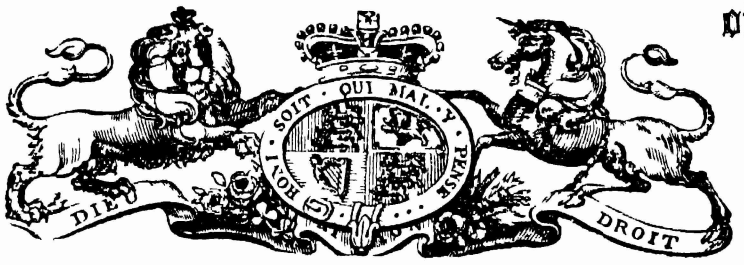
MADRAS CIRCLE.

NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.	
B/28 38062 ...	Rs. 500 ...	G. R. Mackenzie, Esq., Coppah, Nuggur Division.
B/28 41075 ...	500 ...	Mahomed Ali Saib, 22 Ungapper Naik Street, Black Town, Madras.
	Notes partially lost or destroyed.	
B/20 24926 ...	Rs. 10 ...	V. Margasagaum Moodelliar, Writer, Mysore Chief Commissioner's Office, Bangalore.
B/20 43898 ...	10 ...	A. Soobrao, son of A. Soobbiah, Head Accountant, Revenue Department, Mysore.
B/20 46140 ...	10 ...	
B/20 47588 ...	10 ...	
B/20 88882 ..	10 ...	
B/24 55362 ...	50 ...	

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 12th February 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department.

No. 8 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 24, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers an 'nformation as the Government of India may deem to be of interest to the Public, and such as may usefully be made known*

Non Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, of which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

CULTIVATION OF THE POPPY IN CHINA

No. $\frac{M}{54}$, dated British Consulate, Kew Keang, the 22nd November 1871.

From—E. COLBORNE BABER, Acting Vice-Consul, Kew Keang,

To—The Secretary to the Government of India, FINANCIAL DEPT.

It is not in my power to add much to the information which has been previously furnished you with regard to the cultivation of the poppy in China and other particulars.

Referring to query No. 3, it appears certain that this cultivation is extending considerably. The undetailed nature of the information obtainable by foreigners renders it difficult to compare this year's crop with the last; but every intelligent native of this place who is questioned on the subject affirms without hesitation that the last two years have seen a notable increase in the production of native opium.

As regards this particular province of Kianghsi, it has been stated in previous reports that the poppy is cultivated to some extent in the southern districts. If such cultivation is still carried on, which appears extremely doubtful, it is so insignificant in extent as to be inappreciable. It is safe to say, practically speaking, that no opium is produced in this province.

In reply to query No. 4, I beg to enclose translation of a memorial to the Throne by a Censor upon the subject of poppy growth and taxation in the province of Ssu-chŭan, together with an imperial reply issued on the 5th October, both of which were published in the *North China Herald* of the 15th November. It is scarcely worth remarking that the subordinate officials of Ssu-chŭan are

extremely unlikely to carry the imperial prohibition into effect, now that they have discovered a system of increasing their revenue by an impost on the prescribed cultivation.

(*Query* 5).—The extension of poppy cultivation of course indicates a corresponding increase in the consumption of native opium. The native growth, however, can never seriously affect the consumption of the Indian import. Once accustomed to the superior flavour and potency of the latter, no opium smoker would dream of preferring the native variety, which in fact is only employed for purposes of adulteration, or consumed by the poorer classes and relinquished even by them the moment they can afford the larger price of the Indian drug.

It is often supposed that the inferiority in strength of the native opium may be accounted for by the ignorance and incompetence of the cultivators, who do not possess the experience of their Indian competitors. But both Chinese and Foreigners who are acquainted with the subject write in attributing this to the peculiar nature of the Chinese soil, the products of which are almost invariably deficient in strength and quality; witness the insipid fruits, the tasteless vegetables, the weak and flavourless tobacco, and a hundred other instances. Even the most carefully cultivated product of China, its tea, is undoubtedly inferior in strength, and many consider, in quality to the tea of Assam.

It appears then that the Chinese drug must always be inferior to the Indian; so long as this is the case, the opium smoker will continue to give the preference to the latter, in spite of the large difference in price, and the conclusion is certain that the consumption of Indian opium can never be seriously affected by the competition of the indigenous variety.

The native opium consumed in this vicinity is brought from Ssu-chŭan. That produced in Yunnan, Kneichow, and other localities scarcely ever finds its way to this neighbourhood, as the expense of transport renders it dearer on arrival than even Indian opium.

(*Query* 6).—Ssu-chŭan opium is sold here in packages weighing 6¼ catties at from 18 to 20 tls. per package. Allowing 16 packages to the picul, the price would vary from 288 to 320 tls.

For your further information, I beg to enclose copy of an article on Chinese opium taken from the Chinese Materia Medica of Dr. Porter Smith, published this year at Shanghai:—

Extract from Dr. Porter Smith's *Work on Chinese Materia Medica.*

Opium.—O-fu-yung, O-pien, Ya-pien, Yang-yen:—These words are all, except the last, intended to imitate the Arabian name for opium 'Afioum,' or the Persian name 'Afioun.' It is possible that the resemblance of the handsome flower of the poppy to that of the Hibiscus may have partly dictated the use of Fu-yung opium, coming perhaps from Arabia or Persia, has been known since the Mongol dynasty, at least in China. In the Ming dynasty it came into more general use in medicine. The Pen-Tsan describes its collection from the poppy just after flowering in a very clear way, and mentions the fact of its regular sale as a drug It was then given as an astringent and sedative, in dysentery, diarrhœa, rheumatism, catarrh, coughs, leucorrhœa, dysmenorrhœa, and spermatorrhœa, but generally in combination with other drugs. At the present time all this practice has dropped out, and the drug is branded with all the infamy and illegality which belong to the habits of opium-smoking and opium-eating. From the researches of Mr. Hobson, of Hankow, it appears that opium was a recognized product of the prefecture of Yung-Chang, in the west of the province of Yunnan, in the year 1736. For twelve years the poppy has been grown to produce opium in Honan and Shansi, and the popular story in Sze-chuen is that it was introduced there from India and Thibet some one hundred years ago. The poppy must have been long cultivated in China, and the introduction of the Indian drug by way of Canton merely prompted the use of the plant for this baneful purpose. Fully one-half of the best arable land in Sze-chuen is believed by Mr. Hobson to be given up in spring to the bearing of an annual crop of poppy. He has found that probably seven-tenths of the dwellers in towns in Sze-chuen are habitual opium-

smokers, and that more than one-half of the country-people has fallen victims to this seductive and injurious habit. Indian opium called Kung-kan or Kwangtû is being replaced by the native drug, although the price of the former and its name for better flavour are still kept up by the native preference for it. Sze-chuen opium, called 'Ch'uen-tu is produced to the extent of six thousand piculs annually, and can be produced at half of the price of the Indian drug in good years. The drug is made to imitate the Malwa and other forms of the foreign article, and has yielded Dr. R. A. Jamieson a percentage of 6·94 of morphia. It is liable to be adulterated with mud, sesamum, and hemp seeds, and an extract from the fruit of Tophora Japonica, but is positively less extensively tampered with than foreign opium in general. The best Sze-chuen drug, according to Mr. Hobson, comes from Kai-chan and Pi-hien in that province.* More extract for smoking Yen-'an, or Shuh-yen as it is called, is said to be got from the Sze-chuen opium than from the Indian product. Yunnan opium and that from Kweichaw are called 'Nan-tu,' all these forms of the drug being derisively spoken of as 'dirt' or as 'Yoh-tu,' medicinal earth. This is a good quality of drug, but is perhaps not better than that from Kansuh Province. The opium from Kansuh, Shensi, and Shansi is called 'Si-tu,' and yields a good extract. A large quantity of opium, some of it of a very inferior kind, is produced in Honan Province, and largely consumed on the spot. According to Richthofen, Ying-ching-hien, and places in Hwang-chan-fu, all in Hupeh, produce the drug Manchuria, and in fact all parts of the Chinese Empire produce more or less of this crop, which is sown in the tenth month and is secured by the third month of the next year. The drug is prepared on a large scale by mixing the ashes of the opium pipes with the raw opium, which facilitates the making of the watery infusion, which is further filtered and evaporated to the consistence of a thin extract, which is combustible in the opium pipe, held in the flame of a small lamp. Water dissolves from one-half to three-fourths of ordinary opium, but nothing is lost by the Chinese practised manipulator. The extract is usually made by the keepers of the opium saloons, who are heavily taxed and squeezed. The rich people and Buddhist priests make their own extract. The burning of this extract in an incomplete fashion, as is carefully practised by the Chinese, yields a smoke containing sundry incomprehensible empyreumatic compounds unknown to the chemist, but producing by absorption into the pulmonary vessels a stimulant or some perfectly indescribable effect, unknown to all but the actual smoker. Of the effects of this habit all have heard only too much. The moderate use of the pipe is not incompatible with the health of most of those who practise it. The positive necessity of improving or increasing the extract used leads to the loss of the volitional, digestive, and sexual powers, or, in other words, to the gradual degradation of the man. That the habit may be suddenly and permanently broken off is a fact of frequent experience. The use of amoneated valerian-tincture, the employment of nux vomica and other tonics, the temporary smoking of the powdered root of the Aucklandia costus, and, above all, the regular provision of wholesome food for both body and mind are amongst the plans which may be adopted along with occasional disciplinary measures for the cure of a habit perfectly free from any mystery as to its cause or consequences. Prepared opium is exported from China at the present time.

Opium Cultivation.

The *Pekin Gazette* of October 15th contains the following representation by one of the Censors with reference to the growth of the poppy :—

Memorial by Wu Chên, Superintending Censor of the Chekiang Circuit—

Your servant, kneeling, memorializes, requesting that the practice of assessing the levy (of opium duty on growers of the poppy) may be forbidden, in order to further the execution of the laws.

He humbly observes that what should be aimed at in government is uniformity of practice. With uniformity, the confidence of the people is gained and obedience may be looked for; without it suspicions prevail and obstructions easily arise. Of late years imperial edicts have repeatedly been issued, prohibiting the cultivation of the poppy, and commanding that any officials who should show themselves remiss in carrying out these orders should be stringently impeached upon statement of the facts of their case. In this it is impossible not to recognize the true method for giving due protection to agriculture and a far-reaching system of administrative policy. Nevertheless, in despite of the reiterated issue of imperial exhortations,

* This statement is open to misconstruction. Indian opium, after sale to Chinese dealers at the ports, passes through several intermediate hands before it reaches the preparer, and is subjected to a series of adulterations, which increase it to twice its original bulk. Native opium, on the other hand, will bear little or no adulteration. The Indian drug in this adulterated form yields its own weight of extract; whereas the native product in an almost pure condition only gains one-fifth in preparation.

The case should really be stated as follows :—1 lb. of pure Indian opium = 2 lbs. of extract, while 1 lb. of pure native opium = 1⅕ lb. of extract.

E. C. B.

the growth of the poppy goes on as before. On enquiring into the cause of this, it is found that the people have an excuse to rely upon, in the fact of the legalization of the duty on opium. The establishment of the duty on opium, however, was but a concession to temporary exigencies, and even although it may be said that it is a question affecting foreign relations and involves a large amount of revenue, it would seem at least that the levy should take place nowhere except at the ports and customs' barriers. Granting even that no inconsiderable number of Chinese subjects are engaged in the carriage of the drug, still whatever impost is levied should fall only upon merchants and traders; to assess farmers with the levy of a duty which should be collected only from the trading class is wholly unwarrantable. Your servant, being a native of the province of Sze-chuen, has learnt that not only is the illegal cultivation of the poppy not prevented by the District Magistrates, but that actually an opium duty is assessed and levied by them in proportion to the amount of land-tax paid. Their idea is, that it is by this means easy to obtain the full amount of revenues which they are bound to collect, whilst the method of levying the tax is extremely convenient to them. They pay no attention to the fact that traders, on the other hand, manage to escape taxation, whilst the farmer alone is burdened with difficulties. The policy of encouraging agriculture and keeping the trader down is thus wholly lost sight of; and the action taken is, moreover, not in accord with the imperial mandates prohibiting the cultivation of the poppy. It is obvious that when the officials of Government levy a duty of this kind upon the farming class, they cannot but be conscious that they are directly conniving at the practice, whilst the farmers in paying such an impost to Government are naturally emboldened openly to continue the cultivation. Hence it follows that the laws remain unexecuted. Your servant feels it incumbent upon him to request that a decree be issued, laying injunctions upon the Viceroy that stringent orders be given to his subordinates to the effect that in so far as the duty in question is concerned, steps should only be taken to maintain supervision over mercantile traffic and forbidding the imposition of a duty in proportion to the land tax, to the detriment of the agricultural class. Thus it will be plainly impressed upon the mind of the people that husbandry is one of the highest interests of the State. Should there still be any who are regardless of evil in their greed of gain, and who continued the illegal cultivation in despite of prohibitions, the local authorities should be required to keep a strict eye upon them and inflict the punishment which their offence deserves. If officials themselves wilfully continue to levy the impost, it should be permitted to the farmers to denounce them, and they also should have due punishment meted out to them. By this means, both officials and people being mutually on their guard, it may be hoped that exhortations and punishments will be duly regarded, and the laws will be carried into effect. Your servant submits the expression of his humble views, and entreats the sacred glance of Your Majesty thereupon.

To the foregoing memorial the following imperial reply was issued on the 5th October :—

With reference to the memorial by the Censor Wu Chên, stating that he has learnt that the District Magistrates of the province of Sze-chuen have not yet prevented the illegal cultivation of the poppy, and, on the other hand, levy a duty in proportion to the land-tax, which practices he proposes shall be forbidden, it is the duty of the local authorities strenuously to prevent the cultivation of the poppy where carried on among the people. With respect to the duty on opium, this impost is collected from the trading class, and no right exists to assess it upon the cultivators of the soil. If the facts be as stated by the Censor, obedience is not rightly yielded in the province of Sze-chuen, whence it arises that the abuses cited by him have come into existence; and it is to be feared that a similar state of affairs may likewise prevail in other provinces. Let stringent orders be issued by all the Viceroys and Governors concerned, directing their subordinates to take cognizance only of traders in the levy of the opium duty, and forbidding them to assess the impost proportionately to the land-tax, in order that oppression may be guarded against. Notifications must also be issued from time to time warning farmers against the violation of the enactments they would commit by illegally cultivating the poppy. Respect this.

No. 1116, dated 10th February 1872.

From—R. B. CHAPMAN, Esq., Secy. to the Govt. of India, FINANCIAL DEPT

To—Her Majesty's Vice-Consul at Kew Keang, China.

I am desired by His Excellency the Governor General in Council to acknowledge the receipt of your letter No. $\frac{M}{54}$, dated the 22nd November 1871, and in reply to convey to you the thanks of the Government of India for the valuable information which you have furnished relative to the cultivation of the poppy in China.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS IN THE N. W. PROVINCES DURING THE YEAR 1870-71.

Read the following papers :—

Resolution of His Honor the Lieutenant Governor on irrigation operations for Fusl Khurreef, 1870-71, No. 1503 I, dated 9th May 1871.
A3.—Comparative Statement of irrigation and rain-fall in the Canal Districts of the North-Western Provinces for the year 1870-71.
B3.—Statement in acres of crops irrigated by canal in zillahs.
C3.—Statement in acres of crops irrigated in Canal Divisions.

OBSERVATIONS.—The areas irrigated during the past three years have been as follows :—

	Acres.
1868-69	1,441,917
1869-70	1,089,673
1870-71	1,051,355

2. The total area irrigated this year falls short of last year's returns by 38,318 acres : in the khurreef returns there was a decrease of 103,472 acres, while in the rubbee an increased area of 65,154 acres was irrigated.

3. The decrease in the khurreef area has been explained in Resolution of His Honor the Lieutenant Governor, No. 1503, dated 19th May, to be due to the abundant and favourably distributed rain-fall as compared with that of 1869-70, which was fitful and uncertain.

4. The rain-fall during the rubbee season was chiefly confined to the months of January and February; there was no rain in November and March (both months of high demands for irrigation), and only a small quantity very locally distributed in the months of October and December. This will account to a great extent for the increase in area irrigated.

5. This increase was pretty general throughout the Doab, the only three districts which show a decrease being Saharunpore, Cawnpore, and Humeerpore.

6. The district in which the largest increase took place was Bareilly, amounting to 17,486 acres, or 185 per cent. more than in 1869-70.* Etawah also shows an increase of about 34 per cent. on the rubbee. The Doon, Bijnour, and Futtehgurh also show a considerable increase.

* This is understood to be due to the partial opening of Paha and Kylass Canals.

7. The rubbee crops on which the increase chiefly occurred were—

Wheat	77,931
Other cereals	6,830
While there was a decrease on pulses	20,781

8. The increase on wheat, amounting to over 20 per cent. on last year's returns, is apparently due to the dry October and November, and to the hot winds which prevailed in March, drying up the fields just before the ripening of the grain.

By Order, &c.,

W. H. GREATHED, *Col., R. E.,*
Joint-Secretary to Government, N. W. P.

Comparative Statement of Irrigation and Rain-fall for the Years 1869-70 *and* 1870-71 *in the Canal Districts of the North-Western Provinces.*

Zillahs.	Area in Acres.	Cultivated Area in Acres.	AREAS IRRIGATED. Fusl Khurreef, 1870-71. Total Acres.	In comparison with 1869-70. Increase.	In comparison with 1869-70. Decrease.	Fusl Rubbee, 1870-71. Total Acres.	In comparison with 1869-70. Increase.	In comparison with 1869-70. Decrease.	Whole Year, 1870-71. Total Acres.	In comparison with 1869-70. Increase.	In comparison with 1869-70. Decrease.	Percentage of increase or decrease in 1870-71.	RAIN-FALL. 1869-70	1870-71	Percentage of increase or decrease in 1870-71.	Remarks.
1.	2.	3.	4.	5.	6.	7	8.	9.	10	11.	12.	13.	14	15.	16.	17.
Saharunpore	1,425,825	1,001,818	47,904	.	10,552	40,092	.	8,761	87,996	.	19,312	—18 0	20 9	38 6	+ 84 1	
Moozuffernuggur	1,054,065	703,459	59,097	...	15,029	77,686	3,289	. .	136,783	..	9,740	—13 4	29 7	38 0	+ 28 2	
Meerut	1,511,661	1,082,196	84,998	...	28,038	156,127	12,169	...	241,125	. .	15 869	— 6 1	18 2	41·5	+128 0	
Boolundshuhur	1,221,373	823,004	42,242	...	22,146	79,726	10,701	...	121,968	.	11 445	— 8 6	22 4	31 9	+ 42 4	
Allygurh (Doab)	1,190,118	932,640	44,871	..	11,119	68,009	8,062	. .	112,880		3,057	— 2 6	27 9	28 3	+ 1 4	
Muttra (Doab)	1,032,021	831,124	7,339	...	350	12,424	1,482	...	19,763	1,132	..	+ 6 0	20 7	28 8	+ 39 1	
Agra (Doab)	1,199,037	886,774	525	...	62	959	114	...	1,484	52	.	+ 3 6	29 6	24 6	— 16 8	
Etah (Doab)	898,838	585,330	10,151	...	1,890	18,306	551		28,457		1,339	— 4·4	20 9	24 1	+ 15 2	
Mynpoory ..	1,066,534	576,615	15,000	...	2 810	45,101	5,978		60,101	3,168		+ 5 5	35 6	38 4	+ 7 8	
Futtehgurh .	1,084,399	674,034	8,303	...	2,799	18,655	5,843	.	26,958	3,044	. .	+12 7	34 3	42 7	+ 24 4	
Etawah	1,044,123	572,221	17,200	...	18	49,667	11,175		66,867	11,157	.	+20 0	41 1	47 8	+ 16 3	
Cawnpore .	1,514,343	855,663	27,158	.	1,408	47 786		8,529	74 944		9,937	—10 5	35·0	43 2	+ 23·4	
Dehra Doon .	653,271	86,657	4,655	408	.	7,763	1,581	. .	12,418	1,989		+19 0	76·1	85 4	+ 12 2	
Bijnour .	1,204,659	685,026	554	...	506	1,880	1,564	...	2,434	1,058		+ 77 1	30 9	43 5	+ 40 7	
Terai ..	469,760	91,735	2,700	...	286	1,607	209	...	4,307		77	— 1 7	47 2	63 0	+ 33·4	
Bareilly ...	1,518,579	1,084,290	25,037	. .	6,609	26,888	17,485	.	51,925	10,876		+ 26·4	43 0	53 5	+ 24 4	
Jhansie .	1,029,295	504,575	12	. .	22	141	53	...	153	31	..	+25 4	54 2	33 1	— 38 9	
Humeerpore .	1,464,641	783,987	406	...	237	386	189	.	792	398	48	— 5·6	38 5	44 1	+ 15·3	
Total ..	20,582,542	12,760,938	398,152	408	103,880	653,203	82,445	17,290	1,051,355	32,507	70,834				...	

Gross revenue, 1869-70 . Rs. 25,69,792
Ditto, 1870-71 ... „ 25,52,457
Decrease .. Rs. 17,335

Allahabad,
The 3rd December 1871.

P. S. MARINDIN, *Capt., R. E.,*
Asst. Secy. to Gort., N. W. P., Irrigation Branch.

Statement in Acres of Crops Irrigated by Canals in Zillahs.

Description of Crops.	Saharunpore.	Moozufferuggur.	Meerut.	Boolundshuhur.	Allygurh.	Muttra.	Agra.	Etah.	Mynpoory.	Futtehgurh.	Etawah.	Cawnpore.	Debra Doon.	Bijnour.	Terai	Bareilly.	Jhansie.	Humeerpore.	Total.	Grand Total.
(1) Gardens and Orchards ...	1,482	1,056	2,675	1,488	1.257	699	34	365	1.054	390	1,107	1,090	537	..	1	622		1	13.858	13.858
(2) Sugarcane ...	11,123	21,758	47,217	3,378	206	101	5	301	3,900	2,421	4,936	6,698	739	1,108	492	8,122	...	183	112,688	112,688
(3) Cereal Grains—																				
(a) Wheat ...	32,432	68,001	129,185	53,388	39.425	8.238	584	12.723	30,220	9,922	27,030	20,530	5.964	1,201	1,181	21,439	15	56	461,534	...
Rice ...	31.724	27,027	11.503	197	619	35	..	428	559	31	471	518	3,601	...	2.207	16,738	9	212	95.879	...
(b) Barley ...	3,354	3,367	10,197	15,164	24.942	864	213	5,245	12,603	7,715	20,481	24,839	389	100	324	2,100	10	285	134.192	...
Bajra and Jowar ...	187	540	2,546	601	805	101	4	169	130	30	247	122	...	...	...	..	...	2	5.484	...
(c) Other Grains ...	1,361	1,447	5.488	7,422	1.352	344	10	166	1,582	622	1,985	581	559	25	8	1,613	114	45	24.724	721,813
(4) Pulses ...	2.088	5,458	13,452	3,669	2,198	940	131	235	1,296	110	829	1,506	80	.	53	409	1	...	32.455	32.455
(5) Fodder Crops ...	278	621	1,749	2,224	50	8	...	...	4	...	...	...	...	...	..	...	...	...	4,934	4,934
(6) Fibres—																				
(a) Cotton ...	2,118	5,299	10,779	7,639	6,307	1,128	29	936	592	25	150	65	2	...	...	...	...	...	35,069	...
(b) Other Fibres ...	109	500	1,193	475	5	5	...	...	168	1	4	...	...	...	...	...	...	...	2,460	37,529
(7) Dyes—																				
(a) Indigo ...	702	1,067	4,425	24,865	35,419	5,264	473	7,861	7,170	4,800	8,583	18,271	...	...	...	...	...	...	118,900	...
(b) Other Dyes ...	80	7	115	1,332	212	5	..	...	...	...	...	...	...	...	...	...	...	...	1,751	120,651
(8) Drugs—																				
(a) Opium ...	116	21	...	...	...	...	...	...	466	334	994	415	218	...	...	29	1	...	2.594	..
(b) Other Drugs ...	63	43	98	41	76	30	1	28	80	9	45	104	329	...	...	113	...	...	1,060	3,654
(9) Oil-seeds ...	252	103	10	31	7	1	...	..	...	...	...	..	...	...	41	735	...	...	1,180	1,180
(10) Miscellaneous ...	567	468	493	54	...	...		...	277	548	5	205	...	...	...	5	3	8	2,593	2.593
Total, 1870-71 ...	87,996	136,783	241,125	121,968	112,880	19,763	1,484	28,457	60,101	26.958	66,867	74,944	12,418	2,434	4,307	51,925	153	792	1,051,355	1,051.355
Total, 1869-70 ...	107,309	146,523	256,994	133,413	115,937	18,631	1,432	29,796	56,933	23,914	55,710	84,881	10,429	1,376	4,384	41,049	122	840	1,089,673	1,089,673

Allahabad,
The 3rd December 1871.

P. S. MARINDIN, *Capt., R.E.,*
Asst. Secy. to Govt., N. W. P., Irrigation Branch.

Statement in Acres of Crops irrigated in Canal Divisions.

Description of Crops.	Ganges Canal.							Eastern Jumna Canal.	Doon Canals.	Rohilkhund Canals.	Bijnour Canals.	Bundlekhund.	Total.	Grand Total.
	Northern.	Meerut.	Futtehgurh.	Boolundshuhur.	Allygurh.	Etawah.	Cawnpore.							
(1) Gardens and Orchards ...	281	1,786	358	1,176	2,647	1,811	1,649	2,989	537	623	...	1	13,858	13,858
(2) Sugarcane ..	10,802	31,044	13,232	1,641	807	8,409	9,352	26,757	739	8,614	1,108	183	112,688	112,688
(3) Cereal Grains—														
(a) Wheat ...	28,158	83,383	28,706	44,030	67,844	49,684	31,707	98,166	5,964	22,620	1,201	71	461,534	
(a) Rice ...	16,194	7,002	2,367	196	1,172	1,286	237	44,658	3,601	18,945	...	221	95,879	
(b) Barley .	1,661	8,623	3,239	10,745	37,543	31,098	32,728	5,347	389	2,424	100	295	134,192	
(b) Bajra and Jowar ...	.	2,567	.	314	1,185	380	115	921			...	2	5,484	
(c) Other Grains ..	48	1,743	320	7,976	1,347	2,374	1,243	6,309	559	1,621	25	159	24,724	721,813
(4) Pulses ...	4,302	6,769	3,771	2,103	6047 93	1,060	1,514	7,600	80	462	...	1	32,455	32,455
(5) Fodder Crops ...	65	113	871	1,516	62	..	...	2,307		...	...	...	4,934	4,934
(6) Fibres—														
(a) Cotton ..	...	3,351	1,581	6,918	9,084	384	84	13,665	2	...	...	...	35,069	
(b) Other Fibres .	488	1	1,755	1	13	24	145	33	...	...	...	...	2,460	37,529
(7) Dyes—														
(a) Indigo ..	...	4,153	1,705	22,438	52,042	12,979	23,679	1,904	...	...	...	...	118,900	
(b) Other Dyes ...	87	..	...	1,658	6	...	...	...	...	...	...	...	1,751	120,651
(8) Drugs—														
(a) Opium ..	...	...	...	...	..	1,378	831	137	218	29	...	1	2,594	
(b) Other Drugs ..	40	56	...	37	163	188	23	111	329	113	...	...	1,060	3,654
(9) Oil-seeds ..	29	...	..	32	7	...		336	...	776	...	.	1,180	1,180
(10) Miscellaneous ...	...	...	...	67	...	...	1,035	1,475	...	5	...	11	2,593	2,593
Total, 1870-71 ...	62,155	150,591	57,905	100,848	178,715	112,055	104,342	212,715	12,418	56,232	2,434	945	1,051,355	1,051,355
Total, 1869-70 ...	62,589	206,983	58,437	61,018	181,416	101,868	108,095	251,067	10,429	45,433	1,376	962	1,089,673	...

Total, Ganges Canal, { 1869-70 = 780,406. 1870-71 = 766,511.

NOTE.—During the year the mean supply entering the Ganges Canal was 4,151 cubic feet per second, of which 3,413 cubic feet per second was consumed, and the remainder run off at the tail and in escapes. The average supply in the Eastern Jumna Canal was 805 cubic feet per second.

ALLAHABAD,
The 3rd December 1871.

P. S. MARINDIN, *Capt., R. E.,*
Asst. Secy. to Govt., N. W. P.,
Irrigation Branch.

[illegible] AND COMMERCE.

SUPPLEMENTARY REPORT ON THE STATE OF THE SEASON, AND PROSPECTS OF THE CROPS IN THE CENTRAL PROVINCES.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
CENTRAL PROVINCES ...	Hoshangabad ...	February 15 ...	*Nil*	February 16 ...	Grain somewhat better; wheat has suffered.	
	Chindwára ...	.....	*Nil*	" ...	Prospects favorable.	

NOTE.—Received too late for publication in the Supplement of the 17th instant.

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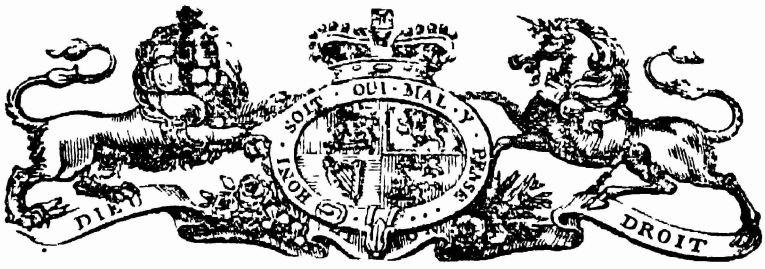
No. 9 of 1872.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 2, 1872.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations ... ..201—212

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices ..... 63—67

PAGE.

PART III.—Advertisements and Notices by private Individuals and Corporations .....57—60

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—
Not printed this week.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—
The Native Courts and Extradition Bill 121—123
Administrator General's Act Amendment Bill 123—124

SUPPLEMENT, No. 9 .....163—172

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 22nd February 1872.

No. 899*A*.—His Excellency the Acting Governor General is pleased to confer upon the Commissioner of Police, Calcutta, for the time being, the privilege of the private entrée to Government House.

The 24th February 1872.

No. 958.—His Excellency the Viceroy and Governor General will attend Divine Service at the Cathedral at half-past 10 A. M. on Tuesday next, the 27th instant, the day appointed for the General Thanksgiving for the recovery of His Royal Highness the Prince of Wales from dangerous illness.

Members of the Services, Civil, Military, and Naval, are invited to accompany His Excellency on this occasion.

A certain number of seats will be provided, for which application should be made to the Senior Chaplain, the Revd. B. T. Atlay, at the Cathedral.

The 1st March 1872.

No. 1061.—The resignation of Her Majesty's Bengal Civil Service by Mr. W. S. Paterson will take effect from the 4th instant, and not from the 9th idem, as notified in G. O. No. 827, dated 20th ultimo.

No. 1065.—His Excellency the Viceroy and Governor General notifies the following appointments, with effect from the 23rd ultimo :—

Major O. T. Burne, 20th Foot, to be Private Secretary to His Excellency.

Staff Surgeon O. Barnett, Her Majesty's British Medical Service, to be Surgeon to His Excellency.

POLICE.

The 1st March 1872.

No. 160.—Mr. J. F. F. Fforde, Officiating Assistant Superintendent of Police in British Burmah, is confirmed in that appointment.

ECCLESIASTICAL.

The 1st March 1872.

No. 70.—The Viceroy and Governor General has been pleased to appoint the Reverend J. Stephenson, M.A., Chaplain of St. John's Church, Calcutta, to be Honorary Chaplain to His Excellency, with effect from the 23rd ultimo.

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

[illegible] in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870 :—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amou. of green stem whic applicant expec will be necessar for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1*st.*—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2*nd.*—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3*rd.*—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4*th.*—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1*st.*—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2*nd.*—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of transit charges.

A. O. HUME,
Secretary to the Govt. of India.

SURVEYS.

Fort William, the 1st March 1872.

No. 132.—Captain G. Mackenzie, Assistant Superintendent, Revenue Survey, Hyderabad Assigned Districts, is promoted from the 2nd to the 1st Grade of Assistant Superintendents, with effect from the 24th December 1871.

No. 134.—Lieutenant A. H. Macintire, Assistant Superintendent, Revenue Survey, is promoted from the 4th to the 3rd Grade of Assistant Superintendents, with effect from the 1st December 1871.

GENERAL.

The 28th February 1872.

158.—Mr. P. Whalley having been granted two years' furlough by the Government of the North-Western Provinces, made over charge of the office of Under Secretary to the Government of India in the Department of Agriculture, Revenue and Commerce on the afternoon of the 24th instant.

J. GEOGHEGAN,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

GENERAL.

Fort William, the 29th February 1872.

No. 371*G.*—With reference to the Notification in the Foreign Department, No. 2198G, dated 18th December 1870, Captain H. M. Court was relieved of his duties as Assistant Agent, Governor General, in the Rajpootana Agency on 31st of December 1870.

No. 373*G.*—Moonshee Ameenchund, Judicial Assistant Commissioner, Ajmere, has been granted two months' privilege leave from the 15th April 1872, or the subsequent date on which he may avail himself thereof.

No. 374*G.*—Captain E. F. H. Armstrong, Assistant Superintendent, 2nd Grade, in the Mysore Commission, arrived at Madras on the 30th January, and at Bangalore on the forenoon of the 3rd February, 1872, on return from furlough to Europe.

No. 376*G.*—With reference to Foreign Department Notification No. 118G, dated 18th January 1872, the assumption by Captain G. R. Peart of the office of 2nd in Command, Bhopal Battalion, was in addition to his own duties as Adjutant.

No. 378*G.*—LEAVE.—Captain W. Hill, Deputy Superintendent of the Hassan District, Mysore, has obtained three months' privilege leave of absence from 15th February 1872.

No. 379*G.*—APPOINTMENT.—Lieutenant J. S. F. Mackenzie, Assistant Superintendent, is appointed to officiate as Deputy Superintendent of the Hassan District during the absence of Captain Hill.

No. 381*G.*—APPOINTMENT.—Major A. W. C. Lindsay, Officiating Assistant Superintendent, 1st Grade, Mysore Commission, is, as a temporary arrangement, appointed to officiate as Military Assistant to the Chief Commissioner of Mysore, in the room of Lieutenant Colonel Ramsay, proceeding on sick furlough to Europe.

C. U. AITCHISON,
Secretary to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

Fort William, the 8th March 1872.

No. 37*J*.

A REGULATION FOR AJMERE AND MHAIRWARA.

The following Regulation having been proposed by the Chief Commissioner of Ajmere to His Excellency the Governor General of India in Council, has been by His Excellency taken into consideration and approved, and has received his assent, and is now published as having acquired the force of law under section one of the Statute 33 Vic., cap. 3.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Regulation may be called "The Ajmere Courts' Regulation, 1872:"

Extent.

It applies to all Courts in Ajmere and Mhairwara;

Commencement.

It shall come into force on the first day of February 1872; but as regards suits, appeals, applications or proceedings instituted in the Courts of Ajmere and Mhairwara since the first day of April 1871, this Regulation shall be deemed to have been in force since that date.

'Ajmere and Mhairwara.'

2. For the purpose of this Regulation "Ajmere and Mhairwara" mean the territories at present under the Commissioner of Ajmere.

Repeal of enactments.

3. The Orders mentioned in the schedule hereto annexed are repealed to the extent specified in the third column of such schedule, except as to the suits, appeals, applications and proceedings mentioned in section one.

CHAPTER II.

CONSTITUTION OF COURTS.

Grades of Courts in Ajmere and Mhairwara.

4. There shall be eight grades of Courts in Ajmere and Mhairwara, namely:—

(1) The Court of the Tahsíldár;

(2) The Court of the Assistant Commissioner with ordinary powers;

(3) The Court of the Assistant Commissioner with full powers;

(4) The Court of the Cantonment Magistrate;

(5) The Court of the Judicial Assistant Commissioner;

(6) The Court of the Deputy Commissioner;

(7) The Court of the Commissioner;

(8) The Court of the Chief Commissioner.

Governor General in Council to fix number of Courts of each grade.

5. The Governor General in Council shall fix, and may from time to time vary, the number of Courts of each grade to be established under this Regulation.

Appointment of officers under Regulation.

6. The Chief Commissioner, Commissioner, Deputy Commissioner, Judicial Assistant Commissioners, Cantonment Magistrates, Assistant Commissioners and Extra Assistant Commissioners shall be appointed by the Governor General in Council.

The Tahsíldárs shall be appointed by the Chief Commissioner.

Confirmation of existing Courts and presiding officers.

7. All existing Courts of the grades mentioned in section four and the presiding officers thereof shall be deemed to have been established and appointed under this Regulation.

Control over subordinate Courts.

8. The general control over all the Courts of the first six grades mentioned in section four is vested in the Commissioner, subject to the superintendence of the Chief Commissioner.

Courts to be deemed Civil Courts under Code of Civil Procedure.

9. Every Court under this Regulation shall—

Seal to be used.

(1) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner; and

Place for holding Court.

(2) be held at such place or places as may be from time to time directed by the Chief Commissioner.

CHAPTER III.

JURISDICTION.

Chief Commissioner to fix local jurisdiction of Courts.

10. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, fix, and may from time to time with the like sanction vary, the local limits of the jurisdiction of any Court under this Regulation.

Existing local jurisdiction preserved.

The present local limits of the jurisdiction of every Court shall be deemed to be and to have been fixed under this Regulation.

Extent of criminal and civil jurisdiction.

11. The Courts mentioned in the first column of the subjoined table shall ordinarily have such criminal jurisdiction as is specified in the second column thereof, and such civil jurisdiction in the adjudication of suits of every description arising within their local jurisdiction as is specified in the third column thereof: Provided that no suit cognizable by a Court of Small Causes shall, within the local limits of the jurisdiction of any such Court, be instituted in any other Court.

Saving of jurisdiction of Small Cause Courts.

Name of officer.	Criminal jurisdiction.	Civil jurisdiction.
(1.) The Tahsíldár ...	Such powers as are from time to time conferred, under the Code of Criminal Procedure, by the Chief Commissioner.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees one hundred.
(2.) The Assistant Commissioner with ordinary powers.	Such powers as are from time to time conferred by the Chief Commissioner under the Code of Criminal Procedure.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed rupees five hundred.
(3.) The Assistant Commissioner with full powers.	The full powers of a Magistrate	Powers of a Civil Court where the amount or value of the subject-matter of the suit doe not exceed rupees ten thousand.
(4.) Cantonment Magistrate ...	Such powers as are from time to time conferred by the Chief Commissioner under the Code of Criminal Procedure.	Powers of a Small Cause Court where the suit is of a nature cognizable by a Small Cause Court, and when the amount or value of its subject-matter does not exceed rupees one thousand.
(5.) The Judicial Assistant Commissioner.	The full powers of a Magistrate.	Powers of a Small Cause Court where the suit is of a nature cognizable by a Small Cause Court, and when the amount or value of its subject-matter does not exceed rupees one thousand. Powers of a Civil Court where the suit is not of a nature cognizable by a Small Cause Court, or where the value or amount of its subject-matter does not exceed rupees ten thousand. Power to hear appeals from Courts of the first two grades.
(6.) Deputy Commissioner ...	Full powers of a Magistrate, and powers described in section 445A of the Code of Criminal Procedure.	Powers of a Civil Court in all suits, whatever be the value or amount of the subject-matter of such suit. Power to remove any suit, appeal or proceeding instituted in any Court of the first five grades, and either try it himself or transfer it to any Court of competent jurisdiction as to amount or value.
	Powers to hear appeals from decisions of officers exercising the powers of a Subordinate Magistrate.	Power to hear appeals from decisions of any Court of the first four grades.
(7.) Commissioner ..	Powers of a Sessions Judge ...	Powers of a District Court in cases under Act XXVII of 1860 (Collection of debts). Powers of a District Judge under Act IV of 1869 (Divorce). Powers of a Court of Wards. Powers of a Civil Court under Act XL of 1858 (Minors), Act XXXV of 1858 and Act XXXVI of 1858 (Lunatic Asylums). Powers of the principal Civil Court of original jurisdiction under Act IX of 1861 (Minors).
	Powers to hear appeals from decisions of Full-power Magistrates and the Deputy Commissioner.	Powers of a Civil Court in all suits, whatever be the amount or value of the subject-matter. Power to hear appeals from decisions of Courts of the third, fourth, fifth and sixth grades. Power to remove any suit, appeal or proceeding instituted in any Court of the first six grades, and either to try it himself or transfer it to any Court of competent jurisdiction as to amount or value.
(8.) Chief Commissioner ...	Powers of a Sadr Court ...	Power to hear appeals from decisions of the Commissioner in all cases in which an appeal from the Commissioner is by any law provided. All powers conferred by any Act on the Highest Court of Appeal

12. The Chief Commissioner may, with the sanction of the Governor General in Council, direct that any of the powers, which may be exercised by any Court of the first four grades, shall be exercised, as an honorary office, by any person or by any three or more persons sitting together as a Court.

Chief Commissioner may invest persons with powers of Courts of first four grades.

Where three or more such persons sit together as a Court, the decision of the majority of such persons shall be deemed the decision of the Court.

13. The Chief Commissioner may direct that any powers conferred under the last preceding section shall be exercised only in reference to some specified class of cases, civil or criminal.

Powers may be confined to specified classes of cases.

14. The Chief Commissioner may invest the Assistant Commissioner of Beawur with the powers of a Judicial Assistant Commissioner, and may invest any Cantonment Magistrate with all or any of the powers of an Assistant Commissioner.

Chief Commissioner may invest Assistant Commissioner of Beawur and Cantonment Magistrates with certain powers.

The Chief Commissioner may invest any Naib Tahsíldár with all or any of the powers of a Tahsíldár, and may invest any Extra Assistant Commissioner with all or any of the powers of an Assistant Commissioner with ordinary or full powers.

Chief Commissioner may extend powers of certain officers.

All orders of the Chief Commissioner investing any Naib Tahsíldár or Extra Assistant Commissioner with such powers, shall be notified in the local official Gazette.

s conferring ex- te powers to be no n

15. Except where otherwise expressly provided in section eleven, the Court of the Deputy Commissioner shall be deemed to be the principal Civil Court of original jurisdiction in the said territories; and he may, subject to the control of the Commissioner, direct the business in the Courts of the first five grades to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Jurisdiction and powers of Deputy Commissioner.

16. The Chief Commissioner or Commissioner may withdraw any suit or appeal instituted in any Court of the first six grades specified in section four, and try such suit or appeal himself, or refer it for trial to any other such Court, competent in respect of the value or amount of the suit to try the same.

Chief Commissioner or Commissioner may withdraw suit from subordinate Court, try it himself, or refer it to other competent Court.

17. Section twelve of Act VIII of 1859 shall be read subject to the following modification, namely:

Modification of section 12, Act VIII of 1859.

When the suit is for immoveable property situate within the local jurisdiction of different Courts, the application for authority to proceed with the suit shall be made to the Commissioner.

18. The Commissioner shall exercise the powers conferred by any law for the time being in force on the Inspector General of Police, Inspector General of Prisons, and Inspector General of Assurances.

Commissioner to exercise powers of Inspectors General of Police, Prisons and Assurances.

Civil Appeals.

19. Except where otherwise expressly provided by this Regulation or any other law for the time being in force, an appeal shall lie from the decrees of Courts of original and appellate jurisdiction to the Courts authorized under this Regulation to hear appeals.

Appeals when to lie.

20. All such appeals shall, save as in this Regulation or any other law is otherwise provided, be regulated by the Code of Civil Procedure.

Appeals to be regulated by Code of Civil Procedure.

21. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within two months, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Time allowed for presenting appeal to Commissioner.

22. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document affecting the merits of the case, or as to the admissibility of any evidence, such Court may draw up a statement of the point as to which it is in doubt and refer it,

Power to state and refer a point of law.

if such Court be one of any of the first six grades, ... { to the Commissioner.

if such Court be one of the seventh or eighth grade, ... { to the High Court of the North-Western Provinces.

23. The Commissioner, or the High Court, shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made, and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity with such ruling.

Procedure on such reference.

24. Costs, if any, consequent on the reference of the case to the Commissioner, or High Court, shall be costs in the appeal out of which the reference arose.

Costs of reference.

25. If in any suit the decision of the Judicial Assistant Commissioner, Deputy Commissioner or the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, on a point material to the merits of the case, the Commissioner or Chief Commissioner, respectively, as the case may be,

When Commissioner and Chief Commissioner may receive second appeal.

may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Court, a further consideration of the case appears to him to be requisite for the ends of justice.

When decision of first Appellate Court to be final.

26. If the Court of first appeal confirms the decision of the Court of first instance on a matter of fact, such decision shall be final.

Reference of decision of first Appellate Court to higher Court.

27. If the Court of first appeal confirms the decision of the Court of first instance on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have ruled amiss, and to submit it

if such Court be one of the fifth or sixth grade ... ... } to the Commissioner;

if such Court be one of the seventh or eighth grade ... } to the High Court of the North-Western Provinces.

Such application must be on the stamp and must be made within the period prescribed by law for appeals.

If the Court, after perusing the application, and hearing the applicant, if he claim to be heard, consider that there is in its judgment or decree a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence, it shall make a statement of the same together with such facts only of the case as are necessary to explain it, and shall submit the same, together with the record of the case, and the Court's own opinion on such question, to the Court mentioned in the application.

Procedure of Commissioner or High Court thereupon.

The Commissioner or the High Court, as the case may be, shall, with as little delay as possible, proceed to try the case referred as if it were an appeal instituted in such Court, and shall send a copy of its judgment to the Court submitting the point, which shall dispose of the case in conformity therewith.

Section twenty-four to apply to cases referred.

28. The provisions of section twenty-four as to the adjustment of costs, shall apply to cases referred under the last preceding section.

CHAPTER IV.

MISCELLANEOUS.

Certain decisions to be according to Native law.

29. Where, in any suit or proceeding, it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom prevailing in Ajmere and Mhairwara.

In cases not provided for by the former part of this section, or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Presiding officer of Court not to try certain suits.

30. No presiding officer of any Court having jurisdiction under this Regulation shall try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

Disposal of such suits.

When any such suit, appeal or proceeding comes before any such presiding officer, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

The superior Court shall thereupon dispose of the case in the manner prescribed by section six, Act VIII of 1859.

Suspension and removal of presiding officers of Courts.

31. The presiding officer of any Court under this Regulation may, for any misconduct, be suspended or removed by the Governor General in Council.

The presiding officer of any Court of the second, third or fourth grades may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

The presiding officer of any Court of the first grade may, for any misconduct, be suspended or removed by the Chief Commissioner.

Appointment of ministerial officers of Courts of first five grades.

32. The ministerial officers of the Courts of the first five grades shall be appointed by the Deputy Commissioner.

Fining, suspension and removal of ministerial officers.

33. Every Court of the first five grades may fine, in an amount not exceeding one month's salary, any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. The Deputy Commissioner, subject only to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify every such order, and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of any Court subordinate to him.

Appointment of ministerial officers of Courts of Deputy Commissioner, Commissioner and Chief Commissioner.

34. The Deputy Commissioner, Commissioner, and Chief Commissioner shall appoint the ministerial officers of their respective Courts.

Suspension, removal and fining of such ministerial officers.

35. The Deputy Commissioner, Commissioner, and Chief Commissioner may remove or suspend the ministerial officers of their respective Courts, or fine them in an amount not exceeding one month's salary; but every such removal or suspension made by a Commissioner or Deputy Commissioner shall be subject to the general control of the Chief Commissioner.

Recovery of fines.

36. Any fine imposed under this chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Saving of general control of Chief Commissioner.

37. Nothing in this chapter shall be deemed to bar the general control of the Chief Commissioner over all appointments and removals of ministerial officers under this Regulation.

SCHEDULE.

LOCAL RULES AND ORDERS REPEALED.

No. and year.	TITLE.	Extent of repeal
	Colonel Sutherland's Rules for checking Appeals	The whole
	Order sanctioning the substitution of the Vernacular for the Persian language in Judicial Proceedings (obsolete).	Ditto
	Resumption of service-tenure (has never been acted on and can be deferred till the settlement).	Ditto.
	Order declaring the relative duties of the Superintendent and Commissioner of Ajmere.	Ditto.
	Rules concerning mortgages	Ditto.
	Sanction of Governor General to the receipt of petitions from Mhairs on unstamped paper (obsolete).	Ditto.
	Revised jurisdiction of the Civil Courts . . .	Ditto.
	Revision of the Rules of Appeal	Ditto.
	Orders investing Tahsíldárs with Civil jurisdiction ...	Ditto.

No. 38*J*—His Excellency the Viceroy and Governor General of India in Council is pleased to apply the foregoing Regulation for Ajmere and Mhairwara to the Pergunnahs of Todgurh, Dewair, Saroth, Chang and Kot-Karana.

His Excellency the Viceroy and Governor General of India in Council is further pleased to declare that all laws and regulations that are now or may hereafter be in force in Ajmere and Mhairwara, shall apply to and have force in the aforesaid Pergunnahs so long as they are under the administration of the British Government.

MILITARY.

The 7th March 1872.

No. 29*M*.—APPOINTMENT.—With reference to the notification in the Foreign Department No. 2548 G., dated 29th December 1871, Lieutenant J. N. S. Kirkwood assumed the office of Officiating Adjutant, Deolee Irregular Force, on the 5th of February 1872, from Captain J. H. L. Greenfield, who reverted to his appointment of Officiating 2nd in Command and Squadron Officer of the Force on the same day.

No. 31*M*.—LEAVE.—Captain J. H. L. Greenfield, Officiating 2nd in Command, Deolee Irregular Force, is granted three months' privilege leave from the 15th February 1872, or such subsequent date as he may avail himself of the same.

GENERAL.

The 7th March 1872.

No. 439*G*.—APPOINTMENT.—Mr. A. J. Dunlop, Assistant Cotton Commissioner, Berar, to officiate as Assistant Commissioner of the 3rd class in the Hyderabad Assigned Districts, in addition to the duties of his substantive appointment, with effect from the 15th February 1871.

No. 441*G*.—Major W. H. Beynon, Bombay Staff Corps, having returned from furlough to Europe, is re-posted to the office of Political Agent, Jeypoor, of which he resumed charge from Captain E R. C. Bradford on the afternoon of the 13th February 1872.

Captain Bradford having thus been relieved, resumed charge of his substantive appointment of Political Agent, Baghelcund, from Captain G. R. Goodfellow, of the Bombay Staff Corps, on the forenoon of the 24th idem, thereby displacing the latter officer, whose services are, in consequence, replaced at the disposal of the Bombay Government.

The 8th March 1872.

No. 453*G*.—APPOINTMENT.—Captain C. W. Burton, Officiating Assistant to the Agent, Governor General, Rajpootana, at Shoojangurh, is appointed to officiate as Assistant General Superintendent for the suppression of Thuggee and Dacoity, on the Triple Border of Jeypoor, Marwar, and Bikaneer, in the room of Captain P. W. Powlett, deputed to conduct the Land Revenue Settlement of the Ulwur State.

Captain Powlett made over, and Captain Burton assumed, charge on the forenoon of the 15th February 1872.

C. U. AITCHISON,

Secretary to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 7th March 1872.

No. 1731.—Mr. R. Taylor is appointed to officiate as Accountant General and Commissioner of the Department of Issue of Government Paper Currency, Madras.

Mr. E. S. Byrne is appointed to take charge of the office of Accountant General, Punjab, and to officiate as Deputy Commissioner of Paper Currency, Lahore Circle.

Baboo Madhub Chunder Chatterjee is appointed to officiate as Assistant to the Comptroller General.

Mr. F. M. Bland, Assistant to the Comptroller General, is allowed leave on private affairs for six months.

Mr. E. W. S. Login is appointed to officiate as Assistant to the Accountant General, Bombay.

Mr. F. de H. Larpent is appointed to officiate as Deputy Accountant General, Punjab.

Mr. T. H. S. Biddulph is appointed to officiate as Assistant to the Accountant General, Punjab.

No. 1753.—Read the following :—

FINANCIAL. INDIA OFFICE;
No. 48. *London, 1st February* 1872.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—I have to acquaint you that the rate of exchange for the adjustment of financial transactions between the Imperial and Indian Governments, for the year 1872-73, has been fixed, with the concurrence of the Lords Commissioners of the Treasury, at one shilling and eleven pence half-penny (1*s.* 11½*d.*) the rupee, and I have to request that you will give the necessary instructions for the due observance of this rate in respect of all transactions to which it is applicable.

I have, &c.,
(Signed) ARGYLL.

ORDERED, that the above despatch be published in the *Gazette of India* for general information.

The 8th March 1872.

No. 1763.—In continuation of Notification No. 847, dated the 31st January 1872, the following Statement of Cash Balances, as reported up to this date, in the Government Treasuries in India, at the close of the month of January last, contrasted with that of the previous years, is published for general information :—

	Jan. 1870.	Jan. 1871.	Jan. 1872.
	Rs.	Rs.	Rs.
Government of India	1,30,34,989	2,84,18,697	4,49,52,342
Bengal	1,62,02,868	1,75,89,650	2,12,77,826
British Burmah	22,89,610	21,54,993	26,23,504
North-Western Provinces	2,14,02,495	2,66,91,640	2,92,46,124
Oudh	44,94,395	65,27,100	57,44,680
Punjab	1,15,64,592	1,11,97,672	1,56,37,794
Bombay	2,13,88,959	2,36,81,651	6,07,84,098
Central Provinces	58,84,166	78,77,193	79,41,412
Madras	2,21,28,894	2,85,64,842	2,51,69,488
TOTAL ...	11,83,90,968	15,27,03,438	21,33,77,268

No. 1785.—The Governor General in Council has been pleased to empower Mr. E. M. Palmer, Assistant to the Comptroller General, to sign Promissory Notes for the Secretary to the Government of India from the 9th March 1872 inclusive.

LEAVE AND ALLOWANCES.

The 8th March 1872.

No. 1782.—Mr. J. Westland, Under Secretary to the Government of India in the Financial Department, is allowed furlough for one year, under Sections II and III, Covenanted Civil Service Leave Code, and the usual subsidiary leave.

MINT AND CURRENCY.

The 7th March 1872.

No. 1766.—Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency :—

DATE.	Circles of Issue.	Balance of Issue Account.	Retired by other Offices of Issue.	Currency Notes in Circulation.	Silver Coin Reserve.	Silver Bullion Reserve.	Gold Bullion Reserve.	Reserve in Government Securities.	TOTAL RESERVE.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
29th Feb. 1872	Calcutta ...	5,18,75,090	6,16,430	5,12,58,660	1,41,81,946	82,76,488	72,495	2,75,01,631	5,00,32,560
Ditto	Madras ...	1,05,19,820	5,74,550	99,45,270	43,24,756	...	...	17,28,404	60,53,160
Ditto ...	Bombay ...	5,49,86,850	62,27,270	4,87,59,580	1,40,03,667	1,60,13,534	...	2,25,35,209	5,25,52,410
Ditto ..	Allahabad ...	39,10,990	79,440	38,31,550	17,54,839	...	...	11,03,291	28,58,130
Ditto ..	Lahore ...	73,57,500	8,81,480	64,76,020	45,57,883	...	...	27,00,037	72,57,920
Ditto ...	Calicut ...	14,76,060	1,13,180	13,6 ,880	10,83,191	...	...	1,00,059	11,83,250
Ditto ...	Trichinopoly ...	8,80,160	3,15,400	5,64 760	5,55,281	...	...	1,00,059	6,55,340
Ditto ..	Vizagapatam ..	3,67,110	27,620	3,39,490	2,57,691	..	...	1,00 059	3,57,750
Ditto ...	Nagpore ...	21,98,980	6,09,660	15,89 320	5,88,108	.	...	5,47,902	11,36,010
Ditto ..	Kurrachee ...	42,34,170	21,70,400	20 63,770	14,26,424	..	...	27,00,106	41,26,530
Ditto ...	Akola ...	12,31,220	5,26,480	7,04,740	6,82,980	..			6,82,980
	TOTAL ...	13,90,37,950	1,21,41,910	12,68,96,040	4,34,16,766	2,42,90,022	72,495	5,91,16,757	12,68,96,040

CALCUTTA;
COMMR. OF ISSUE OF PAPER CURRENCY,
The 2nd March 1872.

HUGH SANDEMAN,
Head Commissioner.

PENSIONS AND GRATUITIES.

The 6th March 1872.

No. 1639.—The Governor General in Council is pleased to direct that the following be added as Rule 2 under Section 46 of the Civil Pension Code :—

2. Absence on leave in or out of India is no bar to an Officer's being admitted to pension or gratuity.

No. 1681.—The Governor General in Council is pleased to direct the addition of the following as Rule 2 under Section 85 of the Civil Pension Code :—

2. The above rule for the conversion of Rupees into sterling applies to officers under covenant, who are entitled by their covenant to pensions in accordance with the rules applicable to Uncovenanted Servants; the covenanted rate of exchange for their pay and allowances does not, unless it is expressly so stated, apply to their pensions.

The 8th March 1872.

No. 1772.—The Governor General in Council is pleased to direct the publication of the following as Supplement C of the Civil Pension Code. The words "and Assistant Chaplains" in Section 3 (*c*) of the Code should be struck out :—

SUPPLEMENT C.

CHAPLAINS.

[The rules in this Supplement are now in general operation, except that the present Senior Chaplain of the Scotch Church in Bombay, when he has served his time for pension, will have the option of continuing to draw allowances on the old scale and abiding by the old scale of pension, or of drawing allowances on the new scale, or retiring, in which case his pension will be regulated by the rules in this Supplement. The present Senior Chaplain of the Scotch Church in Calcutta also is allowed an election (which he has not yet declared) between the old and the new scales of allowances and pension.]

Section 1. Pensions are granted to Chaplains under the following rules:—

Residence and service.

Section 2 (*a*). "Residence" is reckoned from arrival in India in the case of a Chaplain appointed in England, and from date of covenant in the case of a Chaplain appointed in India. It includes (1) time spent on duty, (2) privilege and subsidiary leave, and (3) time passed out of employ in India otherwise than on leave.

(*b*). "Service" includes "residence," and also all time spent on leave of any description; but no time before the beginning of "residence."

Retiring pension

Section 3. A Chaplain who has completed 17 years' residence *and* 20 years' service, or, if appointed before the 11th January 1854, 15 years' residence and 18 years' service, is entitled to a retiring pension of £365 a year.

1. Pensions are granted either by the Government of India, Bombay, or Madras (as the case may be), or by the Secretary of State. A Chaplain proceeding to England often obtaining pension in India, should be careful to take with him the usual last-pay certificate.

Compulsory retirement.

Section 4. A Chaplain must retire after 25 years from the beginning of his service, unless specially exempted by the Secretary of State, on the recommendation of the Governor General in Council, or of the Governor in Council of his Presidency.

Invalid pension.

Section 5. A Chaplain who is obliged, by bad health, to retire after completing seven years' residence, but before completing the periods of residence and service required by Section 3, is entitled to an invalid pension of £125-15-0 a year, or if he have completed ten years' residence, £173-7-6 a year.

SEPARATE REVENUE.

(STAMPS).

The 8th March 1872.

No. 1756.—In the exercise of the powers conferred by Section 26 of the Court Fees Act of 1870 (Act No. VII) and of all other powers enabling him on this behalf, the Governor General in Council is pleased to cancel Notification by the Government of India, Financial Department, No. 1865, dated 15th March 1870, and to issue the following directions:—

The Stamps used to denote any fee chargeable under the said Act may be either impressed or adhesive, or partly impressed and partly adhesive.

When the exact amount of the fee chargeable under the Act can be denoted by a single impressed or a single adhesive Stamp, such fee shall be denoted by a single Stamp of either sort.

When the amount of the fee cannot be denoted by a single impressed or a single adhesive Stamp, the next lower impressed or adhesive Stamp shall be used, and the deficiency made up by one or more additional Stamps which may be either impressed or adhesive.

The impressed Stamps referred to in this Notification are the red and black printed Stamps, and the adhesive Stamps are those across which the words "Court Fees" have been printed.

Should the amount of the fee in any case involve a fraction of an anna, such fraction shall be remitted.

The provisions of this Notification shall for the present extend only to the Hyderabad Assigned Districts and to the territories under the Lieutenant Governor of Bengal, the Chief Commissioner of Oude, and the Chief Commissioner of the Central Provinces respectively.

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 2nd March 1872.

No. 222 *of* 1872.—With reference to G. G. O. No. 1104 of 1871, the services of Captain F. G. E. Warren, of the Royal Artillery, are to be considered at the disposal of the Foreign Department from the 1st December 1871, the date on which he assumed charge of his duties.

No. 223 *of* 1872.—The under-mentioned Officers have reported their departure for Europe on the dates specified :—

Lieutenant C. Strahan, of the Royal Engineers, G. G. O. No. 983 of 1871,—2nd December 1871, from Bombay.

Captain C. F. Moore, of the Madras Staff Corps, G. G. O. No. 179 of 1872, and Lieutenant Colonel H. S. Obbard, of the Bengal Staff Corps, G. G. O. No. 1102 of 1871,—per *J. C. Stevenson*, 26th February 1872.

No. 224 *of* 1872.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Bernard Channer, of the 1st Battalion, 14th Foot, 1st Wing Subaltern, 2nd Regiment of Native (Light) Infantry,—13th February 1871.

No. 225 *of* 1872.—The following appointment is made :—

HYDERABAD CONTINGENT.—*3rd Infantry.*

Captain A. R. Oakes, of the Madras Staff Corps, to officiate as Wing Subaltern, during the period Lieutenant Garrett may officiate as Adjutant to the 6th Infantry, or until further orders.

The 4th March 1872.

No. 226 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on urgent private affairs :—

Captain George Nicolas Channer, of the Bengal Staff Corps, Quarter Master, 2nd Regiment, Native Light Infantry,—for six months, under Rule XI of the Regulations of 1868, embarking at Bombay.

No. 227 *of* 1872.—ADDENDUM.—In G. G. O. No. 830 of the 22nd September 1871, prescribing a scale of Hospital Equipment for European Troops on the line of march from one station to another, in the list of articles headed "Miscellaneous," after the word "Trunks," insert the words "*with Padlocks and Keys.*"

Order Books to be corrected accordingly.

No. 228 *of* 1872.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 33, dated 8th February 1872, are published for general information :—

1. The under-mentioned Officers and Warrant Officers have been permitted to return to their duty, *viz.* :—

Colonels R. Maclagan, R. E., S. J. Hire, J. E. Gastrell, and R. N. Tronson.

Lieutenant Colonels J. J. H. Gordon, E. S. Jackson, T. E. Gordon, and W. Gordon.

Majors J. W. Orchard, E. G. Clark, and T. E. Vander Gucht.

Captains E. W. Samuells, B. J. Goldie, R. E., R. P. Nisbet, F. E. Wiggens, G. Swetenham, R. E., C. H. Bergman, B. P. Hodgson, G. McCall, and C. Ransford.

Lieutenant M. J. Moore.

Surgeon A. A. Mantell.

Surgeon Major C. M. Smith.

Apothecary T. Lyons.

Conductor W. F. Harding.

Sub-Conductor J. Brown.

2. The under-mentioned Officers and Warrant Officers have been granted extensions of leave for the periods specified, *viz.* :—

Major General R. G. Taylor, C. B. C. S. I.	1 month.
Colonel J. P. Clarkson	
Lieutenant Colonel H. P. Babbage	6 months.
" H. E. Iremonger	
Major H. A. W. Waterfield	3 "
" J. P. Cambridge	6 "
Captain R. H. Dyas	
" J. L. Watts, R. E.	1 month.
" E. K. T. Fortescue	6 months.
" G. G. Young	
" Wigram Battye	2 "
" W. D. Palmer	6 "
Lieutenant J. M. Morgan, R. E.	6 " from 18th January.
" R. H. F. Rennick	6 months.
Conductor P. Carr	
Surgeon N. J. Grant	

3. The under-mentioned Officers have been permitted to retire from the service from the dates specified, *viz.* :—

Deputy Inspector General of Hospitals E. B. Thring, 16th December 1871.

Captain and Deputy Commissary E. J. Gillis, 21st February 1872.

Captain W. F. Tucker, 25th January 1872.

4. Lieutenant Colonel F. E. Laing, S. C., died on the 25th November 1871.

5. Captain W. J. Heaviside, R. E., has been allowed to return to his duty in India

* * *

7. Lieutenant Colonel H. Hyde, R. E., has been allowed to embark for India at Brindisi on the 22nd January 1872.

The 5th March 1872.

No. 229 *of* 1872.—His Excellency the Governor General in Council is pleased to direct that the Sirhind Circle Pay Office shall be abolished, with effect from the 1st April next.

All bills and claims sent to the Sirhind Division Pay Office after the receipt of this order will be transferred for payment to the North-Western Provinces, or Punjab Circle Pay Offices, as the case may require, according to the distribution of stations given below :—

PAY CIRCLES.

Presidency Circle.

Including Stations in the Bengal Division of the Presidency; and in the Azimghur, Benares, Ghazeepore and Mirzapore Districts, North-Western Provinces.

PAY OFFICE STATION.—CALCUTTA.

Military Stations.

Alipore.	Darjeeling.
Ballygunge.	Debroghur.
Barrackpore.	Dinapore.
Benares.	Dorundah.
Bhaugulpore.	Dum-Dum.
Buxa (Bhootan).	Fort William.
Calcutta (Seat of Government).	Gowhatty.
Cachar.	Hazareebaugh.
Chunar.	Julpigorie.
Dacca.	Shillong.

North-Western Provinces Circle.

Including Stations in the North-Western Provinces of the Presidency (except in the Azimghur, Benares, Ghazeepore and Mirzapore Districts) all in Oude, Central India and in the Saugor Districts.

PAY OFFICE STATION.—ALLAHABAD.

Military Stations.

Agra.	Jubbulpore.
Allahabad.	Landour.
Almorah.	Lucknow.
Aughur.	Mehidpore.
Banda.	Muttra.
Bareilly.	Meerut.
Cawnpore.	Moradabad.
Deolie.	Nagode.
Deyrah.	Nowgong.
Erinpoorah.	Nynee Tal.
Futtyghur.	Roorkee.
Fyzabad.	Saugor.
Goruckpore.	Segowlie.
Gwalior (Morar).	Seetapore.
Jhansie.	Shahjehanpore.

Punjab Circle.

Including all Stations in the Punjab.

PAY OFFICE STATION.—RAWUL PINDEE.

Military Stations.

Abbottabad.	Kangra.
Attock.	Kohat.
Bhagsoo.	Kussowlie.
Buckloh.	Lahore (Meean Meer).
Bunnoo.	Mooltan.
Campbellpore.	Murdan.
Dera Ghazee Khan.	Murree.
Dera Ismail Khan.	Nowshera.
Delhi.	Peshawur.
Dugshai.	Rajanpore.
Dhurmsalla.	Rawul Pindee.
Ferozepore.	Sealkote.
Govindghur.	Simla (Army Head Quarters).
Hazara.	Subathoo.
Jullundur.	Umballa.
Jutogh.	Umritsur.

No. 230 *of* 1872.—The following promotion is made in the under-mentioned Corps of the Native Army:—

19th Bengal Cavalry (Lancers).

Ressaldar Ummur Singh, to be Ressaldar Major from the 28th March 1871, *vice* Gholam Nuxbund Khan, resigned.

No. 231 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Captain F. S. S. Brind, of the 1st Battalion, 17th Foot, Officiating Station Staff, Shillong, to be a Brigade Major on the Establishment, in succession to Captain H. Thompson, appointed to another situation.

No. 232 *of* 1872.—Lieutenant Colonel C. L. Montgomery, of the Bengal Staff Corps, Commandant, 10th Regiment of Native Infantry, who was granted furlough to Europe for two years by G. G. O. No. 158, dated 16th February 1872, is permitted to embark at Calcutta, instead of at Bombay, as previously notified.

No. 233 *of* 1872.—Major J. P. Martin, of the Bengal Staff Corps, Deputy Pay Master, Trans-Ravee Circle, is allowed leave of absence for thirty days from the 10th March 1872, or such date as he may avail himself of it to visit Bombay, preparatory to proceeding on furlough to Europe on private affairs, under the Regulations of 1868.

The 6th March 1872.

No. 234 *of* 1872.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 11 of the 18th January 1872, and the Royal Warrant* therein referred to, are published for general information:—

* Dated 21st December 1871.

PARA. 1.—In your letter No. 311, dated 26th September 1871, you express your concurrence in the proposals made in my Despatch of 13th January 1869, for regulating the

Army promotion of Officers of the local service from the time that the 10th and two following clauses of the Royal Warrant of 13th June 1864 should come into operation.

2. In order to carry these proposals into effect, a Royal Warrant, dated 21st December 1871, has been issued, 20 copies of which are forwarded herewith, as well as copy of correspondence* with the War Office on the subject. You will observe that opportunity has been taken to consolidate the various Regulations in existence with respect to the promotion of the Officers of Her Majesty's Indian Forces.

* Letter to War Office, 15th August 1871, 589 W.
" from " 28th " "
" to " 22nd Sept. " 676 W.
" to " 23rd Nov. " 790 W.
" from " 1st Dec. "
" to " 30th Nov. " 813 W.

3. It will rest with your Government to keep the necessary lists, and to notify the promotions or removals of the names of Officers from rank to rank, as the case may be, in succession to vacancies caused by the deaths of General Officers, up to the rank of Lieutenant Colonel. The promotions amongst the General Officers, and from the rank of Colonel to that of Major General, will be made, as heretofore, in this country.

4. On occasions when no actual promotion in or to General rank takes place, but a name in italics is removed from one grade to another, no notification will be made in the *London Gazette;* but I consider it advisable that the fact should be published in your local Orders. For this purpose, you will be kept duly informed of all vacancies, and of the alterations in the list occasioned by them.

5. On the death of Lieutenant General Sir G. I. Jameson on the 24th October 1871, clauses 10, 11, and 12 of the Warrant of 15th June 1864 came into operation. The Senior Colonel of the British Army became a Major General, the Staff Corps Officers were transferred to the Imperial List,† and, under the provisions of the Warrant now forwarded, the name of Colonel Salmon, of the Bombay Staff Corps, was placed in italics in the position of Junior Major General on the Indian List.

† *London Gazette*, 22nd December 1871.

VICTORIA R.

WHEREAS it has been represented to Us that it is expedient to make further Regulations for governing the Promotion in the Army of the Officers of Our Indian Forces, Our will and pleasure is that the Regulations annexed to this Our Royal Warrant be established and be the sole Regulations under which the Promotion in the Army of such Officers shall be effected.

Given at Our Court at Windsor this 21st day of December 1871 in the Thirty-fifth Year of Our Reign.

By Her Majesty's Command,
ARGYLL.

REGULATIONS FOR THE PROMOTION OF INDIAN OFFICERS, SO FAR AS RELATES TO RANK IN THE ARMY.

1. Field Marshals shall be appointed at the will of the Sovereign, and the rank shall be conferred without reference to seniority.

2. The names of General Officers shall be borne upon three separate lists. The first shall contain the names of those on the fixed establishment; the second, those who having been promoted out of their regular turn are supernumerary to the fixed establishment; and the third, those who have retired from the service with the honorary rank of General Officers.

3. The fixed establishment of General Officers shall be the following:—

Generals	33
Lieutenant Generals	53
Major Generals	87
TOTAL ...	173

4. Promotion on the establishment from the rank of Lieutenant General to that of General, and from the rank of Major General to that of Lieutenant General, shall be made as vacancies occur, according to seniority, subject however to the provision laid down in the last paragraph of clause 11.

5. Every vacancy on the establishment of General Officers shall be filled by the promotion of the Senior Colonel, subject to the provision in the last paragraph of clause 11, or by the transfer of a General Officer from the supernumerary list as provided in clause 8.

6. Temporary rank and command as General, Lieutenant General, or Major General, may, for the convenience of Our service, be conferred, without regard to seniority, on Lieutenant Generals, Major Generals, or Colonels respectively; and if the Officer during the continuance of such temporary rank and command shall have conducted himself to Our

satisfaction, the rank so held may, upon the recommendation of Our Governor General in Council, be converted into permanent rank after having been held for five years in time of peace or for any shorter period in the field during war. A Colonel who shall vacate an appointment as temporary Major General, and whose temporary rank shall not have been made permanent, may, upon the recommendation of Our Governor General in Council, be made an honorary Major General, and shall retain that rank until he succeed to the establishment in virtue of his seniority on the list of Colonels.

7. Promotion may be conferred upon a Lieutenant General, Major General, or Colonel, without regard to seniority, for distinguished service in the field, and in such case the recommendation of Our Governor General in Council, detailing the services for which the Officer is promoted, shall be published in the General Orders of Our Indian Military Forces, and in the *London Gazette.*

8. An Officer not below the rank of Colonel, promoted after temporary service in a higher rank, or for distinguished service in the field, shall be borne as supernumerary, and shall not be placed on the establishment in his new rank until the time when he would have attained such rank by seniority, that is to say, when the surviving Officer who stood next senior on the list to the Officer promoted under clause 6 or 7, shall have attained the same rank on the establishment, the next vacancy shall be filled by the transfer of the supernumerary General Officer to the establishment.

9. A supernumerary Major General, who has been promoted after temporary service, and absorbed, under clause 8, into the establishment, shall have seniority according to the date of his permanent rank as Major General, and shall rise to be Lieutenant General and General, whether before or after his absorption into the establishment, in accordance with that seniority. A supernumerary General Officer who has been promoted for distinguished service in the field, and absorbed under clause 8, shall take his seniority from the date of his promotion as published in the *London Gazette.*

10. The Officers of the Staff Corps on the Indian List having been transferred to the General List of the British Army, according to the regulations contained in clause 39 of Our Royal Warrant of the 27th of December 1870, their names shall be retained on the Indian List in italics, until their death or retirement, for the purpose of regulating the promotion of the Officers below them on that list.

11. On the occurrence of a vacancy in the fixed number of General Officers on the Indian List, specified in clause 3 of this Warrant, whether among those who remain effective on that list, or among those whose names are merely retained in italics, and who shall be considered as forming part of the said fixed establishment, the name of the Senior Officer in each grade on the Indian List below that in which the vacancy may occur (with the exception of the grade of Lieutenant Colonel), shall be moved up to the next higher grade; but in the case of the Officers whose names remain in italics, there shall be no actual promotion, the arrangement being limited to the transfer of the names for the purpose of regulating the promotion of those Officers who remain effective on the Indian List; and the promotion of an effective Colonel on the Indian List to the rank of Major General shall in no case be affected by casualties among the General Officers of the Staff Corps, until the number of General Officers to be added to the British Establishment under clause 24 of Our said Royal Warrant of the 27th of December 1870 shall be complete.

12. The rank of Brigadier General shall be local or temporary only.

13. A Lieutenant Colonel may attain the rank of Colonel—

(*a.*)—By regimental seniority in the case of Officers on the Indian List of Cavalry and Infantry whose substantive commissions, as Lieutenant Colonel, are dated prior to the 1st of January 1862;

(*b.*)—By twelve years' service in the substantive grade of Lieutenant Colonel;

(*c.*)—By Brevet, after five years' satisfactory service in a staff situation in India, with the substantive rank of Lieutenant Colonel;

(*d.*)—By Brevet, on appointment to be one of Our Aides-de-Camp;

(*e.*)—By Brevet, as a reward for distinguished service in the field;

(*f.*)—By Brevet, after five years' service as Lieutenant Colonel in the Command, or as Second in Command, of a Regiment;

(*g.*)—By Brevet, after five years' satisfactory service as Substantive Major with the Brevet rank of Lieutenant Colonel, in the following appointments:—

Adjutant General,
Deputy Adjutant General,
Assistant Adjutant General,
Quarter Master General,
Deputy Quarter Master General,

Assistant Quarter Master General,
Secretary to the Government of India in the Military or Public Works Department,
Secretary in the Military Department to the Government of Madras or of Bombay, to the Lieutenant Governor of the Punjab, to the Chief Commissioner of Mysore, or to the Resident at Hyderabad,
Deputy Secretary to Government in the Military Department,
Military Secretary to the Governor General, or Commander-in-Chief in India, or at Madras or Bombay,
Deputy Judge Advocate General,
Commissary General,
Deputy Commissary General,
Superintendent of the Ordnance Manufacturing Department,
Superintendent of a Gun Foundry,
Agent for the Manufacture of Gunpowder,
Agent for Gun Carriages,
Chief Engineer,
Superintending Engineer,
Chief Inspector of Musketry,
Surveyor General,
Controller of Military Accounts,
Examiner of Commissariat and Stud Accounts, or—
First Examiner of the Pay Department, subject always to the approval of the Governor General in Council, or Governor in Council, and Commander-in-Chief of the Presidency to which the Officer belongs;

(*h.*)—By Brevet, after eight years' satisfactory service, as a Substantive Lieutenant Colonel or Substantive Major, with the Brevet rank of Lieutenant Colonel, in a Civil situation under Government; provided the appointment be of a nature considered by Our Governor General in Council and Commander-in-Chief in India to be calculated to afford the Officer such practical experience as may afterwards prove advantageous to the corps or service to which he belongs;

(*i.*)—By Brevet, after eight years' service, with the Brevet rank of Lieutenant Colonel conferred for distinguished service in the field.

14. A Substantive Major with the Brevet rank of Lieutenant Colonel, who shall fall into temporary command of a Regiment for a continuous period exceeding one calendar month, shall reckon such continuous period as part of the five years required to qualify for the rank of Colonel.

15. When a Regiment shall be so divided as to constitute two distinct commands, and one portion shall be under the command of a Substantive Major who is also a Brevet Lieutenant Colonel; or when he shall draw the command pay of such command for any period in consequence of the death or removal of the Commanding Officer, or when a Brevet Lieutenant Colonel (irrespective of his substantive rank) shall be in command of a mixed force of at least 400 men of different corps in the field for a consecutive period of not less than one calendar month, such service, or portions of such service, shall be allowed to reckon as part of the period required to qualify for the rank of Colonel, subject to the approval of Our Commander-in-Chief in India and Governor General of India in Council.

16. No period of acting Staff service shall reckon towards the rank of Colonel, unless it be converted into actual Staff service by subsequent confirmation.

17. A Major may attain the rank of Lieutenant Colonel—

(*a.*)—By regimental seniority;

(*b.*)—By 26 years' service in the Army in the case of Officers whose appointment to Our Indian Forces was made subject to the conditions prescribed in the General Order of Our Governor General of India in Council, dated the 9th of December 1859, No. 1637;

(*c.*)—By Brevet, after 26 years' service in the Army, so long as there remain any Majors on the list of Cavalry and Infantry in Our Indian Forces;

(*d.*)—By Brevet, in succession to a vacancy on the establishment of General Officers;

(*e.*)—By Brevet, for distinguished service in the field.

18. A Captain may attain the rank of Major—

(*a.*)—By regimental seniority;

(*b.*)—By 20 years' service in the Army in the case of Officers whose appointment to Our Indian Forces was made subject to the conditions prescribed in the General Order of Our Governor General of India in Council, dated the 9th of December 1859, No. 1637;

(*c.*)—By Brevet, after 20 years' service in the Army, so long as there remain any Captains on the list of Cavalry and Infantry in Our Indian Forces;

(*d.*)—By Brevet, in succession to a vacancy on the establishment of General Officers;

(*e.*)—By Brevet, for distinguished service in the field.

19. A Lieutenant may attain the rank of Captain—

(*a.*)—By regimental seniority;

(*b.*)—By promotion on the General List, on the occurrence of a vacancy in the Cadre of a Regiment of Cavalry or Infantry in which no Lieutenants remain, in the case of Officers whose appointment to Our Indian Forces was made subject to the conditions prescribed in the General Order of Our Governor General of India in Council, dated the 9th of December 1859, No. 1637;

(*c.*)—By Brevet, after twelve years' service in the Army, so long as there remain any Lieutenants on the list of Cavalry and Infantry in Our Indian Forces.

No. 235 *of* 1872.—Under the provisions of the Royal Warrant of the 21st December 1871, and in consequence of the death of—

Lieutenant Generals Sir G. I. Jameson, K.C.S.I., Bombay Infantry, on the 24th October 1871; J. FitzGerald, Madras Infantry, on the 14th November 1871; and General P. Cameron, Madras Cavalry, on the 8th December 1871,

the names of the following Officers are placed on the list of Major Generals:—

Colonels W. B. Salmon, Bombay Staff Corps; J. K. Spence, Bengal Staff Corps; and G. M. Hill, Bengal Staff Corps.

The names of the following Officers are placed on the gradation list of Lieutenant Colonels:—

Majors J. F. Robertson, Bombay Staff Corps; F. B. Norman, Bengal Staff Corps; and W. Macdonald, Bengal Staff Corps.

The name of the following Officer is placed on the gradation list of Majors:—

Captain (now Major in Madras Staff Corps) N. Swanston.

The above cancels the promotions of Major J. F. Robertson, Bombay Staff Corps, and of Captain (now Major in Madras Staff Corps) N. Swanston, to the Brevet rank of Lieutenant Colonel and Major respectively announced in G. G. O. No. 1014 of 1871 and No. 36 of 1872.

No. 236 *of* 1872.—Under the provisions of the Royal Warrant of the 21st December 1871, and in consequence of the death of Lieutenant General W. M. Ramsay, Bengal Infantry, on the 13th December 1871—

Major A. J. Bruce (now Lieutenant Colonel in Madras Staff Corps) is placed on the gradation list of Lieutenant Colonels.

No. 237 *of* 1872.—The following promotions are made, subject to Her Majesty's approval:—

Brevet.

RANK, NAMES AND CORPS.	TO WHAT RANK PROMOTED	FROM WHAT DATE.	IN SUCCESSION TO
Captain Jackson Muspratt Williams, Madras Infantry.	Major .	Nov. 15, 1871	Lieut. General J. FitzGerald, Madras Infantry, deceased.
Captain George Stanley Hooper, Madras Cavalry.	Ditto ...	Dec. 9, 1871	General P. Cameron, Madras Cavalry, deceased.
Captain Richard Campbell Stewart, Madras Cavalry.	Ditto ...	Dec. 14, 1871	Lieut. General W. M. Ramsay, Bengal Infantry, deceased.

No. 238 *of* 1872.—The following Order issued by the Government of Bombay is confirmed :—

No. 124, *dated* 19*th February* 1872.—Granting furlough to Europe on medical certificate to the under-mentioned Medical Warrant Officer :—

Apothecary Timothy Keefe, of the Bengal Subordinate Medical Department,—for two years, under the provisions of G. G. O. No. 207 of 1869.

The 7th March 1872.

No. 239 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointments :—

1st PUNJAB VOLUNTEER RIFLE CORPS.—*To be Honorary Colonel.*

The Hon'ble R. H. Davies, C. S. I. (Lieutenant Governor, Punjab.)

To be Captain Commandant.

Captain L. Conway Gordon, Royal Engineers (Executive Engineer, Department Public Works, Deputy Consulting Engineer to Government of India for Guaranteed Railways, Lahore.)

No. 240 *of* 1872.—The under-mentioned Warrant Officer is admitted to pension, as specified opposite to his name :—

Sub-Conductor James Judge, of the Army Commissariat Department,—2*s.* 6*d.* per diem as Serjeant Major, payable in Europe.

No. 241 *of* 1872.—The under-mentioned Hospital Assistants, who have passed their professional Examination, are advanced to the next higher grade, with effect from the dates specified against their names :—

NAMES.	Date of completion of the Septennial period of Service	Date of passing the professional Examination.	Date from which the promotion will take effect.
To be 1st Class Hospital Assistants.			
Abdool Hakeem*	April 8, 1869	April 15, 1871	April 15, 1871.
Kasheenath Tewaree†	July 24, 1870	October 16, 1871	October 16, 1871.
Gokul Persaud Opadhia	January 13, 1871	Ditto	Ditto.
Shaikh Ameer Oodeen	April 6, 1871	Ditto	Ditto.
Shaikh Emam Buksh	Ditto	Ditto	Ditto.
Lalla Ramsahoy	Ditto	October 19, 1871	October 19, 1871.
To be 2nd Class Hospital Assistants.			
Fuzloorrahman	December 30, 1864	" 16, 1871	" 16, 1871.
Mohun Ram	March 1, 1865	Ditto	Ditto.
Abdoolla Khan	January 13, 1866	September 5, 1871	September 5, 1871.
Abdool Snud	April 15, 1867	October 16, 1871	October 16, 1871.
Syed Oolfuth Allee	" 14, 1869	September 5, 1871	September 5, 1871.
Shankar Das‡	July 31, 1870	" 24, 1870	August 1, 1870.
Dewa Sing	Ditto	October 19, 1871	October 17, 1871.
Meer Abdool Kurreem	August 19, 1870	" 16, 1871	" 16, 1871.
Gunga Sehai	September 30, 1870	Ditto	" 16, 1871.
Shaik Mahomed Deen	January 31, 1871	October 17, 1871	" 17, 1871.
C. L. Amue	April 7, 1871	" 16, 1871	" 16, 1871.
Aukbur Allie	" 14, 1871	" 17, 1871	" 17, 1871.
Toorab Khan	Ditto	" 16, 1871	" 16, 1871.
Girdharee Lall	Ditto	" 17, 1871	" 17, 1871.
Sheik Kedar Buksh (1st) ‖	June 26, 1871	" 19, 1871	June 27, 1871.
Oomur Deen †	July 31, 1871	Ditto	August 1, 1871
Motee Ram§	Ditto	Ditto	Ditto.
Soojayat Khan	Ditto	Ditto	Ditto.
Buldeo ‡	August 3, 1871	August 14, 1871	August 4, 1871
Nehalood Deen	September 30, 1871	October 16, 1871	October 1, 1871.
Imam Allie	Ditto	November 10, 1871	Ditto.
Thakoor Dass	Ditto	October 16, 1871	Ditto.
Abdool Kadir	Ditto	Ditto	Ditto.

* Passed an examination in English on the 29th May 1871

† Passed an examination in English *vide* G G O No 968 of 1870

‡ Passed an examination in English *vide* G G. O No. 1092 of 1870

§ Passed an examination in English on the 10th August 1871

‖ Passed an examination in English on the 19th October 1871.

No. 242 *of* 1872.—The following Hospital Assistants passed their English qualification Examination, according to the test laid down in G. G. O. No. 945 of the 7th October 1868, on the dates specified against their respective names :—

NAMES.	Original date of Rank as Native Doctor.	Date of passing the Examination in English according to the new test.
1st Class Hospital Assistants.		
Colly Persaud	June 20, 1842	August 15, 1871.
Shaikh Shair Ali	April 14, 1848	September 9, 1871.
Shaikh Bahadoor	" 14, 1852	October 31, 1871.
Shaikh Chadoo	" 14, 1852	November 4, 1871.
Munceroodeen	" 9, 1855	October 22, 1871.
Ramnarain Panday	March 28, 1856	August 15, 1871.
2nd Class Hospital Assistants.		
Kunniah Lall	December 15, 1858	October 16, 1871.
Ruheemoola	April 15, 1861	November 9, 1871.
Ameer Khan (1st)	" 27, 1863	September 5, 1871.
Gunga Ram	August 1, 1863	October 28, 1871.
3rd Class Hospital Assistants.		
Asmat Allee	April 20, 1865	October 28, 1871.
Aleem Oodeen (1st)	" 14, 1866	September 17, 1871.
Charag Deen	March 16, 1868	October 28, 1871.
Sheikh Abdoollah	April 15, 1868	August 21, 1871.
Mohmed Yar Khan	" 11, 1869	October 14, 1871.

The 8th March 1872.

No. 243 *of* 1872.—The under-mentioned Officers of the Staff Corps having completed five years' service as substantive Lieutenant Colonel, are promoted to the rank of Colonel by Brevet from the dates specified, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval :—

Lieutenant Colonel William David Dickson, Bombay Staff Corps, 2nd March 1872.

Lieutenant Colonels Andrew Cooke McMaster, Madras Staff Corps, George McAndrew, Bengal Staff Corps, and John Louis Nation, Bengal Staff Corps, 8th March 1872.

No. 244 *of* 1872.—The under-mentioned Officer of the Bengal Staff Corps having completed 26 years' service, is promoted to the rank of Lieutenant Colonel from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Major Thomas Taylor, 6th March 1872.

No. 245 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Major Henry Auriol Prinsep, of the Bengal Staff Corps, Cantonment Magistrate, Agra,—for one year, under the Regulations of 1868, embarking at Bombay on or after the 23rd April next.

Captain (Brevet Lieutenant Colonel) James John McLeod Innes, V. C., of the Royal Engineers, Accountant General and Deputy Secretary to the Government of India, Accounts Branch, Public Works Department,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain Everard Neal Digges La Touche, of the General List, Infantry, Assistant Commissioner, Bengal,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain Revell Eardley Wilmot, of the General List, Infantry, Adjutant, 14th Bengal Cavalry (Lancers),—for two years, under the Regulations of 1868, embarking at Bombay.

1st Class Veterinary Surgeon John Samuel Woods, of the Stud Department, attached to the Poosah Stud Depôt,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 246 *of* 1872.—With reference to the Notification issued by the Public Works Department, No. 100, dated 21st February 1872, the services of Lieutenant G. G. C. Bigsby, of the Royal Engineers (Imperial Establishment), are placed at the disposal of His Excellency the Commander-in-Chief.

No. 247 *of* 1872.—The under-mentioned Officers and Warrant Officer have reported their return from England :—

Captain W. J. Stewart, of the Bengal Staff Corps, Assistant Superintendent, Revenue Survey Department,—date of arrival at Fort William, 9th November 1871.

Lieutenant Colonel F. J. Davies, of Infantry, Executive Engineer, Department Public Works, Bengal,—date of arrival at Fort William, 22nd December 1871 (date of departure on furlough, 22nd December 1869).

Conductor Andrew S. Sinclair, of the Ordnance Commissariat Department,—date of arrival at Bombay, 17th February 1872.

No. 248 *of* 1872.—The under-mentioned Officer having completed twelve years' service, including four years in the Staff Corps, is promoted to the rank of Captain from the date specified under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

Lieutenant Andrew Scott, 4th March 1872.

No. 249 *of* 1872.—Deputy Inspector General of Hospitals J. H. K. Innes, C.B., appointed to the Bengal Presidency, having reported his arrival at Bombay from England on the 17th February 1872, is brought on the strength of the administrative staff of the British Medical Service in Bengal, *vice* Deputy Inspector General of Hospitals H. G. Gordon, M.D., who has proceeded to England on the expiration of his tour of service in this country.

2. Dr. Innes is posted to the medical superintendence of the Meerut Circle.

No. 250 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment :—

HYDERABAD CONTINGENT.

No. 2 Horse Light Field Battery.

Lieutenant A. N. Pearse, of the Royal Artillery, to officiate as Subaltern during the period Lieutenant H. C. Seton may officiate as Commandant of No. 1 Horse Light Field Battery, or until further orders.

No. 251 *of* 1872.—His Excellency the Governor General in Council is pleased to admit the under-mentioned men of the 2nd Goorkha (The Sirmoor Rifle) Regiment to the 3rd Class of the Order of Merit, in consideration of their conspicuous gallantry in an attack made by a large body of Looshais while on escort duty on the 18th December 1871 :—

Sepoy Lulleetbum Mull (No. 630.)
,, Maitbur Sing Thappa (No. 686.)

No. 252 *of* 1872.—The under-mentioned Officer is allowed furlough to Europe on medical certificate :—

Lieutenant William Nassau Lees, of Infantry,—for one year, under the Regulations of 1868, embarking at Bombay.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

NOTIFICATION.

MILITARY DEPARTMENT.

Calcutta, the 8th March 1872.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned and Warrant Officers and an Hospital Apprentice on the dates specified were received in the Military Department during the month of February 1872 :—

CORPS.	RANK AND NAMES.	DATE OF DECEASE.	PLACE OF DECEASE.	TESTATE OR INTESTATE.
Ordnance Department ...	Honorary Ensign P. McDermot.	Feb. 18, 1872	Lahore.	
1st Battalion, 11th Foot ...	Lieutenant G. W. R. Gordon.	,, 28, ,,	Morar, Gwalior.	
Subordinate Medical Department ...	Hospital Apprentice J. Robinson. (*a*)	Jan. 28, ,,	Barrackpore ...	Intestate.
Ditto ditto ..	Assistant Apothecary J. G. Fleming.	Dec. 29, 1871	Delhi.	

(*a*)—Next-of-kin, Father, D. Robinson, Sergeant, Pension Establishment, Barrackpore.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

Calcutta, the 8th March 1872.

Notice is hereby given that the amount on account of the Estate of a deceased European Commissioned Officer, as specified in the Statement published below, has been received by the undersigned, to whom all claims by creditors against the property of the deceased is to be submitted within two calendar months from the date of this notice:—

STATEMENT of Deposits made at the Presidency Pay Office on account of Estate of deceased European Commissioned Officer of Her Majesty's Indian Military Service during the Month of February 1872.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of Moneys accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in sterling.	
							Rs. A. P.		Rs. A. P.					
	Commissioned Officer.													
12th Feb. 1872	William Lyttleton Powys Drummond.(a)	Captain ...	Bengal Staff Corps ...	...	July 10, 1871	Not known.	1,034 10 0	...	1,034 10 0					
							1,034 10 0		1,034 10 0					

(a) Father, Revd. J. Drummond, Gaulby, Leicester, England. Administrator General administering.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 1st March 1872.

No. 118.—Mr. J. G. H. Glass, Executive Engineer, 4th Grade, Central Provinces, is allowed leave to Europe for two years on medical certificate, with effect from 12th February 1872.

No. 119.—Baboo Gopaul Chunder Bannerjee, Accountant, 3rd Grade, attached to the Office of the Accountant General, Public Works Department, is granted an extension of fifteen days' privilege leave of absence, with effect from 1st February 1872.

No. 120.—Rai Munnoo Lall, Executive Engineer, 4th Grade, North-Western Provinces, is permitted to accept the appointment of Assistant Principal in the Hyderabad Engineering College under the conditions laid down in para. 8 of Financial Department Notification No. 4359 of 14th October 1871.

No. 121.—Mr. A. D. Fox, Assistant Engineer, 1st Grade, Mysore (State) Railway, is granted twelve months' leave on private affairs without pay, with effect from 25th November 1871.

The 2nd March 1872.

No. 122.—Mr. E. S. B. Pereira, Executive Engineer, 4th Grade, Bengal, is reduced to the rank of Assistant Engineer, 2nd Grade.

No. 123.—Mr. A. Stephens, late Supervisor, 2nd Grade, Punjab Northern (State) Railway, was allowed leave on medical certificate from the 7th September 1871 to the 3rd February 1872, both days inclusive.

No. 124.—Sergeant H. Gearing, Supervisor, 2nd Grade, Bengal, Irrigation Branch, having obtained his discharge from the Army on the 10th of January 1872, is re-appointed to the Public Works Department as a Civilian in the same grade, with effect from that date.

No. 125.—Major J. M. Williams, Executive Engineer, Ajmere Irrigation Division, is allowed three weeks' privilege leave, with effect from the date on which he may avail himself of it.

No. 126.—Mr. R. S. Dobbs, Assistant Engineer, 1st Grade, Hyderabad, is allowed one year's furlough to Europe, with effect from the date on which he may avail himself of it.

No. 127.—Lieutenant L. F. Boileau, R.E., Executive Engineer, 4th Grade, Rajpootana, re-joined at Nusseerabad on the 5th February 1872 from the leave granted him in Government of Bombay Military Department G. G. O. No. 874 of 23rd December 1869, and has been posted to the Neemuch Division.

The 4th March 1872.

No. 128.—Mr. H. O'Connor, Probationary Accountant, 3rd Grade, North-Western Provinces, is confirmed in that grade.

The 5th March 1872.

No. 129.—Lieutenant J. Broun, R.E., Assistant Engineer, 2nd Grade, Indore (State) Railway, was allowed fifteen days' leave from 9th January 1872, preparatory to his proceeding to Europe on the leave granted in G. O., Military Department, No. 99 of 1872.

No. 130.—Mr. C. H. Croudace, Assistant Engineer, 1st Grade, Agra District, Rajpootana (State) Railway, passed the examination in the native languages, according to the Departmental Standard, on 31st of January 1872.

The 6th March 1872.

No. 131.—Statement of the Monthly Accounts received in the Office of the Accountant General, Public Works Department, up to the 29th February 1872 :—

ORDER OF MERIT.	ACCOUNTING OFFICES.	LAST MONTH FOR WHICH RECEIVED.	DATE OF RECEIPTS.
1	Controller, Mysore for Coorg	Dec. 1871 ...	3rd Feb. 1872.
2	Do., Central Provinces	" .	8th " "
3	Do., Hyderabad	" ...	9th " "
4	Do., Mysore	" ...	12th " "
5	Do., Hyderabad for the Berars	" .	12th " "
6	Do., British Burmah	" .	20th " "
7	Do., Madras	" ...	22nd " "
8	Do., Port Blair	" .	23rd " "
9	Do., North-Western Provinces	" ...	26th " "
10	Do., Rajpootana	Nov. 1871	29th Jan. "
11	Do., Bengal	" ...	30th " "
12	Do., Oudh...	"	31st " "
13	Do., Central India	" ...	5th Feb. "
14	Do., Bombay	" ...	12th " "
15	Do., Punjab	" ...	20th " "

No. 132.—Mr. J. Sherman, temporary Supervisor, 2nd Grade, Indus Valley (State) Railway, is dismissed from the service of Government.

No. 133.—Mr. S. Tripp is appointed temporarily to the Public Works Department as a Sub-Engineer of the 3rd Grade, and posted to the Indore (State) Railway, with effect from the 12th February 1872.

No. 134.—Mr. J. W. Reece, Supervisor, 2nd Grade, Indus Valley (State) Railway, is dismissed from the service of Government.

No. 135.—Mr. R. Boardman is appointed temporarily to the Public Works Department as a Sub-Engineer of the 2nd Grade, and posted to the Indus Valley (State) Railway.

The 7th March 1872.

No. 136.—Messrs. D. Campbell and G. Unger are appointed to the Public Works Department, the former as Sub-Engineer, 3rd Grade, and the latter as Overseer, 2nd Grade, and posted to His Highness the Nizam's (State) Railway.

No. 137.—Mr. A. King, Overseer, 2nd Grade, Mysore, is permitted to resign his appointment in the Public Works Department.

No. 138.—Messrs. J. C. Rainford and H. A. Olliver are appointed temporarily to the Public Works Department, the former as Sub Engineer, 3rd Grade, and the latter as Supervisor, 1st Grade, and posted to the Indus Valley (State) Railway.

The 8th March 1872.

No. 141.—Colonel H. Drummond, R.E., Chief Engineer, 3rd Class, in charge of the Northern Bengal Railway Survey, is appointed to act as Deputy Secretary to the Government of India in the Public Works Department, Railway Branch, until further orders.

No. 142.—Captain A. J. Filgate, R.E., Assistant Accountant General, Public Works Department, is appointed Deputy Accountant General and ex-officio Under Secretary to the Government of India in the Public Works Department, Accounts Branch.

No. 143.—Mr. J. C. Poirel is appointed temporarily to the Public Works Department as an Overseer of the 1st Grade, and posted to the Indus Valley (State) Railway.

No. 145.—Lieutenant Colonel W. S. Oliphant, R.E., Superintending Engineer, 2nd Grade, and Officiating Chief Engineer, British Burmah, is promoted to Superintending Engineer, 1st Grade, with the effect from the 1st September last.

TELEGRAPH.

The 7th March 1872.

No. 139.—Mr. A. Cappel, Officiating Deputy Director General of Telegraphs, is allowed three months' privilege leave, with effect from the date on which he avails himself of it.

Mr. J. H. Lane, Officiating Director of Traffic, is appointed to officiate as Deputy Director General of Telegraphs during the absence of Mr. Cappel, or till further orders.

No. 140.—Mr. E. Hand, appointed by the Secretary of State as an Assistant Superintendent of the 4th Grade, with effect from the 30th November 1871, reported his arrival in India on the 19th February 1872.

The 8th March 1872.

No. 144.—ERRATUM—In Notification No. 112, dated 29th February 1872, notifying date of arrival of certain Assistant Superintendents for "Calcutta," read India.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 9, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

BANK OF BENGAL.

NOTICE.

Calcutta, the 1st March 1872.

The Directors have made the following changes in the Bank's Establishment :—

Mr. John Hector to be Acting Inspector of Branches.

Mr. Thos. Dyson to resume charge of the Moulmein Branch.

Mr. J. Seymour Keay to be Agent at Patna, *vice* Mr. W. F. Fraser, appointed Agent at Lahore.

Mr. J. D. Watters, of Lahore, is no longer in the Bank's service.

GEO. DICKSON,
Secretary and Treasurer.

REVENUE SURVEY DEPARTMENT.

NOTIFICATION.

Calcutta, the 6th March 1872.

No. 32.—Mr. George Latter Rodway Scott, Probationary Assistant Revenue Surveyor, 4th Grade, is promoted to the 3rd Grade, with effect from the 1st instant.

J. E. GASTRELL, *Colonel,*
Supdt. of Revenue Surveys, Upper Circle.

GREAT TRIGONOMETRICAL SURVEY OF INDIA.

NOTIFICATION.

Dehra Doon, the 1st March 1872.

No. 11.—The following promotions are made, with effect from 1st October 1871 :—

Messrs. A. Christie and W. J. O'Sullivan, Assistant Surveyors of the 2nd Grade, to be Assistant Surveyors of the 1st Grade.

Mr. E. N. Wyatt, Assistant Surveyor, 3rd Grade, to be an Assistant Surveyor of the 2nd Grade.

T. G. MONTGOMERIE, *Major, R E.,*
Offg. Supdt., G. T. Survey of India.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, Estimated Value	Certificates issued for	Balance of Bullion		
			Under Assay.	Assayed.	Held on account of the Currency Department
	Rs	Rs	Rs	Rs	Rs
February 26th, 1872		2,352	4,58,245	1,64,419	82,76,487
" 27th " ..					
" 28th " ..	24,19,454		28,77,699	1,81,210	82,76,487
" 29th " .		2,21,883	26,69,289	4,02,469	82,76,487
March 1st " .	2,974	2,05,553	24,77,709	4,17,332	84,76,487
" 2nd " .		79	24,50,417	2,26,725	86,76,487

CALCUTTA MINT,
The 4th March 1872.

H. HYDE, *Lieut.-Colonel,*
Mint Master.

Statement of Transactions of District Savings Banks for the week ending 7th March 1872.

Province	Number of Banks open	Deposits					Withdrawals						Balance		
		No.	Amount.				No.	Amount, Principal			Amount, Interest				
			Rs	A	P.			Rs	A	P	Rs	A. P	Rs	A.	P
Bengal	45	77	5,505	3	7		28	3,881	8	0	29	6 2	1,95,461	14	7
N W Provinces ...	13	34	1,539	1	0		1	10	0	0			64,104	5	0
Punjab	13	14	2,536	0	0		5	581	0	0	1	10 0	48,532	8	2
Oude	6	8	1,090	0	0		2	330	0	0	.		19,129	12	8
Central Provinces ...	4	1	50	0	0								34,886	7	6
British Burmah ..	6	2	195	0	0								7,975	3	5
Berar	2	4	300	0	0		1	19	0	0			10,473	7	1
India	3	1	300	0	0		...				...		17,121	10	5
TOTAL ...	92	141	11,515	4	7		37	4,821	8	0	31	0 2	3,97,685	4	10

CALCUTTA,
The 7th March 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 5th March 1872.

LIABILITIES		Rs.	A	P.
Proprietors' Capital, paid-up ..		2,20,00,000	0	0
Reserve Fund		15,40,509	7	0
	Rs A P.			
General Treasury Balance at Head Office	3,47,48,177 7 5	5,53,46,639	3	5
General Treasury Balance at Branches	2,05,98,461 12 0			
Other Deposits at Head Office and Branches		2,18,56,447	11	11
Bank Post Bills, &c		11,10,039	13	9
Sundries		9,09,490	5	5
TOTAL ...		10,27,63,126	9	6

ASSETS		Rs'	A	P.
Government Securities ..		90,35,223	4	0
Loans on Government Securities at Head Office and Branches ..		82,00,422	14	11
Accounts of Credit on Government Securities at Head Office and Branches .		1,47,57,373	12	9
Mercantile Bills discounted at Head Office and Branches ...		2,12,45,686	8	8
Dead Stock		11,87,977	0	7
Stamps ..		13,864	2	0
Balances with other Banks ...		4,66,784	3	7
Sundries		1,54,320	6	3
		5,50,61,652	4	9
	Rs A P.			
Cash and Currency Notes at Head Office	1,60,24,464 3 9	4,77,01,474	4	9
Cash and Currency Notes at Branches	3,16,77,010 1 0			
TOTAL ...		10,27,63,126	9	6

By order of the Directors,

BANK OF BENGAL,
Calcutta, 7th March 1872.

J. GORDON,
Chief Acctt & Dy Secretary.

GEO. DICKSON,
Secy & Treasurer

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 29th February 1872.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54.	4 PER CENT LOAN							4½ PER CENT				5 PER CENT.		5½ PER CENT	DEBENTURES FOR			TOTAL AMOUNT.
		of 1824-25.	of 1828-29.	of 1832-33	of 1835-36.	of 1842-43	of 1854-55.	Transfer of 1865.	of 1856-57	Transfer Loan dated 15th July 1870.	Loan dated 4th July 1871	Transfer Loan of 1872.	P W of 1854-55.	Loan of 1856-57	Loan of 1859-60.	5 years @ 5 per cent. Repayable June 1872	10 years @ 5 per cent. Repayable June 1877	15 years @ 5 per cent. Repayable June 1882.	
Balance of 15th February 1872	53,100	20,374	2,880	19,83,680	39,53,500	1,48,85,900	1,20,96,200	1,30,13,100	14,500	34,25,200	8,77,000	2,49,98,500	...	1,02,58,600	4,08,96,700	22,81,000	33,11,000	36,50,000	13,57,11,234
Add— Amount enfaced at Madras between 16th and 29th February 1872	.	...	...	...		...			...	..	..	.	...	...				...	...
Amount enfaced at Bombay between 16th and 29th February 1872 ...		...	...	...	...		...	...	..			..	...	...	2,15,000	..	...	...	2,15,000
Amount enfaced at Calcutta between 16th and 29th February 1872	...		...	...	...	...	22,600	26 400	.	5,500	...	7,64,200	...	...	2,83,500		.	12,000	11,14,200
TOTAL ...	53,100	20,374	2,880	19,83,680	39,53,500	1,48,85,900	1,21,08,800	1,30,39,500	14,500	34,30,700	8,77,000	2,57,62,700	...	1,02,58,600	4,13,95,200	22,81,000	33,11,000	36,62,000	13,70,40,434
Deduct— Amount written off in the London Registers	.			...	500	1,26,000	43,500	81,600	..	...	.	..	..	22,74,200	1,51,000	2,21,000	.	...	28,97,800
Balance on 29th February 1872 ...	53,100	20,374	2,880	19,83,680	39,53,000	1,47,59,900	1,20,65,300	1,29,57,900	14,500	34,30,700	8,77,000	2,57,62,700		79,84,400	4,12,44,200	20,80,000	33,11,000	36,62,000	13,41,42,634

NOTE —From 9th June 1867 to 30th Dec. 1871 enfaced from India 1,288 lakhs; re-transferred from London 1,258 lakhs.
" 1st Jan 1872 to 15th Jan 1872 " " 34 " " " 25 "
" 16th " " to 31st " " " " 27 " " " 31 "
" 1st Feb. " to 15th Feb " " " 10 " " " 12 "
" 16th " " to 29th " " " " 13 " " " 29 "
1,372 " 1,355 "
1,355 "
Balance against India ... 18 "

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 4th March 1872.

GEO. DICKSON,
Secretary and Treasurer.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.

The Estate of Henry Williams, Head Accountant in the Office of the Conservator of Forests, has come under charge of this Office.

All persons having claims upon, being indebted to, or holding property belonging to the above Estate are requested to place themselves in immediate communication with the undersigned.

CALCUTTA;
4, STRAND,
The 2nd March 1872.

L. P. D. BROUGHTON,
Administrator General.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th March 1872.

Mails for Ceylon, Penang, Singapore, Hong-Kong, China, Japan, and Australia will be closed at this Office on Saturday, the 9th March, at 7 P. M., *viâ* Bombay.

Mails for Rangoon and Moulmein, for transmission per Steamer *Penang*, will be closed at this Office on Sunday, the 10th March, at 7 P. M.

Mails for Chittagong, Akyab, and Kyouk. Phyoo, for transmission per Steamer *Himalaya*, will be closed at this Office on Sunday, the 10th March, at 7 P. M.

Mails for Guadur, Muscat, Bunder Abbas, Linga, Bushire, Bagdad and Bussorah, for transmission per Steamer from Bombay, will be closed at this Office on Monday, the 11th March, at 7 P. M.

Mails for Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Alleppey, Cochin, Beypore, Calicut, Tellicherry, Cannanore, Mangalore, Carwar, and Bombay, for transmission per Steamer *Asia*, will be closed at this Office on Wednesday, the 13th March, at 7 P. M.

Mails for Madras and Ceylon, for transmission per Peninsular and Oriental Company's Steamer *Golconda*, will be closed at this Office on Wednesday, the 13th March, at 7 P. M.

The next Overland Mail *viâ* Bombay will close on Friday, the 15th March 1872.

2. Book post and pattern packets must be posted on the 14th.

3. Letters, &c., for Mauritius, St. Denis, Re-union, can be sent by this opportunity.

N. B.—The Letter-box will close at 7 P. M. precisely, after which hour Overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

Mails for France, Foreign Europe *viâ* France, the intermediate Ports, Mauritius and China, for transmission per French Mail Steamer *Meinam*, will be closed at this Office on Monday, the 18th March 1872, at 7 P. M.

W. H. McGOWAN,
Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 9, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

BENGAL PRINTING CO., "LD.," IN LIQUIDATION.

Notice.

Notice is hereby given that there will be a General Meeting of the Shareholders held at No. 4, Mission Row, on Thursday, the 28th of March 1878, at 4 o'clock P. M., to receive the Liquidator's Report, for the passing of the Accounts, and for the final closing of the Company's business.

By order of the Liquidator.

4, MISSION ROW,
The 1st March 1872.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted a Draftsman who can make drawings from dimensioned free-hand sketches and print with neatness and despatch. Maximum salary Rs. 80 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted a Clerk accustomed to the work of an Executive Engineer's Office, and who can write routine letters in good English. Maximum salary Rs. 60 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted for the Jhelum Bridge Division, Divers, European and Native, accustomed to the use of diving apparatus.

A. R. BAYLY, *Major,*
Executive Engineer, J. B. Division.

Notice.

Letters of Administration of the Goods of His Excellency the late Right Honorable Richard Southwell Bourke, Earl of Mayo, Viceroy and Governor General of India, &c., deceased, with a copy of a copy of his last Will annexed, were, on the 1st March 1872, granted by the High Court at Fort William in Bengal to his widow, the Countess of Mayo, limited until the Original Will or an authenticated copy thereof be produced, and also limited until the Right Honorable Dermot Robert Wyndham Bourke, Earl of Mayo, the sole executor, shall have attained his full age, and until Probate of the Will, or Letters of Administration with a copy of the Will annexed, shall be obtained from the said Court. All persons indebted, or holding property belonging to the estate, are required to pay their debts and deliver such property to the constituted Attorney of the Administratrix, Major the Honorable E. R. Bourke, and all persons having claims against the estate are requested forthwith to send particulars of such claims to him at Calcutta.

Dated this 8th day of March 1872.

COLLIS & CO.,
Proctors.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4511	A/88 71819	1,000	Baboo Bonomally Shaha.
	A/86 88806	1,000	
4512	A/60 69275	1,000	
1525	A/88 81448	1,000	Baboo Ramtaruck Paul.
	A/88 81449	1,000	
	A/86 81450	1,000	
	A/80 74183	1,000	
4527	A/90 14319	100	Messrs. Cohin Brothers & Co.
4528	A/90 12783	100	Baboo Behary Loll Bose
4529	A/83 69984	50	Baboo Tin Cowry Roy.
4530	A/90 25715	100	Baboo Chunder Mohun Goshamy.
4531	A/98 42550	10	J. C. Cox, Esq.
	Notes partially lost or destroyed.		
		Rs.	
4514	A/95 49879	10	Baboo Ramgopal Gangooly.
	A/80 18905	10	
4515	A/83 41797	50	Baboo Somanath Mukhopadhyaye.
4516	A/97 82866	10	Baboo Borodapershad Banerjee.
4517	A/80 47274	10	Baboo Ram Loll Ghose.
	A/94 22933	20	
4518	A/98 13601 } wrongly joined	10	Baboo Cally Doss Chatterjee.
	A/98 13603 }		
4519	A/89 85193 } ditto...	10	Baboo Nobinchunder Chatterjee.
	A/89 77663 }		
1520	A/70 83381	100	Brindabun Reveetiproshad.
4521	A/82 66946	500	Gonnesh Doss Joyram.
4522	A/80 59799	10	Baboo Brindabunchunder Sircar Chowdhry.
	A/80 98217	10	
	A/79 60247	10	
4523	A/98 87177	20	Baboo Rajkrishna Sen.
	A/96 90667	10	
	A/97 57515	10	
4524	A/95 82791	20	Baboo Hurry Mohun Singhee.
	A/9 96176	20	
	A/91 03708	10	
4526	A/90 20963	100	The Secy., Great Eastern Hotel Co.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 15th February 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

CALCUTTA CIRCLE—*continued.*

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4553	A/84 27157	100	Baboo Mohesh Chunder Bural.
	A/84 27158	100	
	A/84 27159	100	
4554	A/90 41868	100	Baboo Hira Loll Nundy.
	A/90 41127	100	
	A/90 41126	100	
	A/90 41125	100	
	A/90 35065	100	
	A/83 10271	50	
	A/80 31901	10	
	A/97 18458	10	
4555	A/86 60228	500	Baboo Rossomoy Ghose.
4556	A/88 61298	50	Baboo Kalachund Mundole.
	A/88 66294	50	
	A/88 75776	50	
	A/90 65812	100	
	A/90 65813	100	
	Notes partially lost or destroyed.		
		Rs.	
4541	A/80 28827	10	Messrs. Bennett & Co.
4542	A/67 95741	50	Luckhmeechund Rakhickha.
	A/83 18926	50	
4543	A/91 13399 } wrongly joined	10	Baboo Koylaschunder Banerjee.
	A/91 69397 } wrongly joined		
4544	A/67 85512	50	Mirza Ibrahim Beg.
4545	A/79 09130 } wrongly joined	10	Baboo Autoll Behary Paul.
	A/96 72090 } wrongly joined		
4546	A/94 57926	20	Ismail Khan.
4547	A/87 78151	50	Kundhaie Loll.
4548	A/87 94150 } wrongly joined	50	Baboo Ramessur Mookerjee.
	A/87 94151 } wrongly joined		
4549	A/98 16857	10	Baboo Benud Behary Sing.
4550	A/98 44887	10	Baboo Nobinchund Bural.
4551	A/98 92999	20	Baboo Bistoo Doss Ghose.
	A/8 85938	10	
4557	A/98 80835	20	Baboo Dwarkanath Bhunjo.
	A/97 91100	10	
	A/98 24632	10	
4558	A/80 91015	10	Briznath Sing.
4559	A/93 05682 } wrongly joined	20	Rahamut Khan.
	A/93 05681 } wrongly joined		
4560	A/83 35884 } ditto...	50	Baboo Bankimchunder Chatterjee.
	A/83 35885 } ditto...		
4561	A/89 90812 } ditto...	10	Baboo Gunganarain Dhur.
	A/96 34908 } ditto...		
4562	A/97 51066	10	Baboo Hurronath Seal.
4563	A/93 65244 } wrongly joined	20	Syed Hossein.
	A/93 65243 } wrongly joined		
4564	A/84 34298	100	Baboo Pitamber Shaha.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 29th February 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

CALCUTTA CIRCLE,—*concluded.*

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
		Notes wholly lost or destroyed.	
		Rs.	
4570 ...	A/86 92923 ...	1,000 ...	Bhugwan Doss Agurwalla.
4575 ...	A/99 41565 ...	20 ..	Messrs. J. Davies & Co.
	A/99 00792 ...	20 ...	
	A/99 28692 ..	20 ...	
	A/99 42136 ...	20 ...	
	A/81 23391 ..	20 ...	
	A/98 71229 ...	10 ...	
4576 ...	A/84 95178 ...	100 ..	Baboo Norendronath Chowdhry.
		Notes partially lost or destroyed.	
		Rs.	
4567 ...	A/69 63913 ...	10 ...	Messrs. Colvin, Cowie & Co.
	A/93 37019 ...	20 ...	
	A/83 56301 ...	50 ..	
	A/83 56302 ...	50 ...	
4568 ..	A/90 31971 ...	100 ...	J. Gibbon, Esq.
4569 ...	A/83 63597 ...	50 ..	Doorgadoss Doss & Woomachurn Doss.
4571 ...	A/93 77284 ...	20 ...	Messrs. James Anderson & Co.
	A/95 39028 ...	20 ...	
	A/94 69484 ...	20 ...	
	A/94 11426 ...	20 ...	
4574 ...	A/93 81902 / A/78 75564 wrongly joined	20 ...	J. P. Hicks Lyne, Esq.
4577 ...	A/93 51072 / A/93 51071 ditto...	20 ...	Messrs. Wattenbach, Heilgers & Co.
	A/71 87155 / A/71 87147 ditto...	20 ...	
4578 ...	A/79 03518 / A/96 61290 ditto...	10 ...	Tamuzuddeen Ahamud.
4579 ...	A/96 95255 / A/98 95399 ditto..	10 ...	Baboo Kallypuddo Chuckerbutty.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 7th March 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

MADRAS CIRCLE.

NO. OF NOTES	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.	
	Rs.	
B/12 92737 ...	20 ...	N. Sivasidambara Chetty, Writer under P. D. Shaw, Esq, Cuddalore.
B/98 11823 ...	100 ...	Paupu Chetty, Shop-keeper at Villupuram, South Arcot District.
B/93 11825 ...	100 ...	
	Notes partially lost or destroyed.	
	Rs.	
B/98 00744 ...	100 ...	C. Pracasa Row, Audit Inspector of Police, Cuddapah.
B/82 04611 ...	100 ...	
B/81 07972 ...	10 ...	Kadiri Venkoba Row, Stamp Vendor, Cuddapah.

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 26th February 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
1871-72.		Rs.	
110 ...	C/87 00288 ...	1,000 ...	Henry Gamble, Esq., Official Assignee, High Court, Bombay.
	C/87 00289 ...	1,000 ...	
	C/87 00290 ...	1,000 ..	
	C/87 00291 ...	1,000 ..	
	C/87 00292	1,000 ...	
	C/87 00293 ...	1,000 ...	
	C/87 00294 ..	1,000	
	C/87 00295 ..	1,000 ...	
	C/87 00296 ..	1,000 ...	
	C/87 00297 ...	1,000 ...	
	C/87 00298 ...	1,000 ...	
	C/87 00299 ..	1,000 ...	
	C/53 53701 ..	500 ..	
	C/59 51086 ...	500 ...	
	C/59 55564 ...	500 ...	
	C/56 57981 ..	500 ...	

PAPER CURRENCY OFFICE; BOMBAY, *The 28th February* 1872.

R. W. MATHEWS, *Assistant Commissioner.*

CALICUT CIRCLE.

NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Note wholly lost or destroyed.	
	Rs.	
J/4 18769 ...	50 ...	Munisawmy Chettiar, care of K. Murugasa Moodelliar, Cuddapah.
	Notes partially lost or destroyed.	
	Rs.	
J/4 07788 ...	10 ...	Mr. C. E. P. Vernede, Kotagherry, Neilgherry Hills.
J/4 20204 ...	10 ...	Mr. Peter Pereira, Ootacamund.
J/5 15859 ...	20 ...	

PAPER CURRENCY OFFICE; CALICUT, *The 9th February* 1872.

W. AUSTIN, *Asst., for Deputy Collector, In charge of Paper Currency.*

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
24 ...	E/4 10721 ...	50	Mitta Mull, Sootur Mundi, Lahore.
26 ..	E/4 15708	50 ...	Bunseedhur, Punjab Bank, " Ld ," Lahore.
	Notes partially lost or destroyed.		
		Rs.	
22 ...	A/54 03696 ...	100 ...	Captain F. N. Mackenzie, Bengal Staff Corps, Edwardsabad.
	E/4 21968 ..	50 ...	

PAPER CURRENCY OFFICE; LAHORE, *The 2nd March* 1872.

R. A. FINK, *A. A. G.,* for *Deputy Commissioner.*

NAGPORE CIRCLE.

No. of Notes.	Value.	Name of Claimant.
		Notes partially lost or destroyed.
	Rs.	
$\frac{A}{17}$52562 } wrongly joined } $\frac{A}{17}$52563	10 ...	Mr J. MacGregor, Chief Paymaster, E. I. R., Calcutta.
$\frac{A}{18}$73487 } ditto . $\frac{A}{18}$73087	20 ..	Rujoney Cumar Sett, Calcutta.

PAPER CURRENCY OFFICE; NAGPORE, *The 28 h February* 1872.

GEORGE BAGLEY,
Asst to Depy. Acctt. Genl., Central Provinces.

"E." BATTERY, 23RD BRIGADE, R. A.

Descriptive Roll of two men of the above Battery supposed to have deserted from Camp Kitcha ab ut 10 P. M. *on the 28th February* 1872.

CAMP KITCHA, *29th February* 1872.

Regimental No	Rank and Names		Age	Height Feet.	Height Inches	Complexion	Eyes.	Hair	Marks	Remarks
6415	Gunner .	Conway, Joseph	$22\frac{5}{12}$	5	11	Fresh	Hazel	Brown		
1686	Driver .	Dogherty, Daniel	$27\frac{2}{12}$	5	$5\frac{5}{8}$	Sallow	Grey	Dark brown	Marks 4 Letters D and tattooed on both arms and each side of body	Walks looking towards the ground

A. H. HEATH, *Lieut. Colonel,*
Commanding Royal Artillery,
Rohilcund District.

☞ With reference to the following advertisements, apply to the Office of Superintendent of Government Printing, No. 8, Hastings Street, Calcutta, enclosing one anna additional in the Rupee when postage stamps are remitted, to cover discount on sale of stamps.

Packing and postage will be charged extra.

Geological Survey of India.

Volume I.—Memoirs.—Royal 8vo., pp. 309, Plates, Maps, &c., cloth, lettered. *Price Rs.* 7-8.

Contents :—On the Coal and Iron of Cuttack —Structure and Relations of the Talcheer Coal-field.—Gold deposits in Upper Assam.—Gold and Gold-dust from Shue Gween.—Geology of the Khasi Hills.—The Nilghiri Hills —Geology of Bancoora, Midnapore, and Orissa.—Laterite of Orissa.—Fossil Teeth of Ceratodus.

Volume II.—Royal 8vo., pp. 341, Plates, large Geological Maps, &c., cloth, lettered. *Price Rs.* 10.

Contents :—Report on the Vindhyan Rocks and their Associates in Bundelkund.—Geological Structure of the central portion of the Nerbudda District.—Tertiary and Alluvial deposits of the Nerbudda Valley.—Geological relations and probable Geological age of the several groups of rocks in Central India and Bengal.

Volume III.—Royal 8vo., pp. 538, large Maps, Plates, &c., cloth, lettered. *Price Rs.* 9.

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Volume IV.—Royal 8vo., pp. 450, large Maps, Plates, &c., cloth, lettered. *Price Rs.* 8.

Contents:—Report on the Cretaceous Rocks of Trichinopoly District, Madras.—On the Structure of the Districts of Trichinopoly, Salem, &c —On the Coal of Assam, &c.

Volume V.—Royal 8vo., pp. 354, Maps, Plates, &c., cloth, lettered. *Price Rs.* 9.

Contents:—Sections across N. W. Himalaya, from Sutlej to Indus.—On the Gypsum of Spiti.—On the Geology of Bombay.—On the Jherria Coal-field.—Geological Observations on Western Tibet.

Volume VI.—Part 1, Blanford —On the neighbourhood of Lynyan, &c., in SIND. Blanford.—On the Geology of a portion of Cutch. *Price Re.* 1-8.

Part 2, Hughes.—On the Bokaro Coal-field. Bell.—On the Ramgurh Coal-field. Blanford.—On the traps of Western and Central India. *Price Rs* 2-8.

Part 3, Blanford.—Geology of the Taptee and Lower Nerbudda Valleys. Wynne.—Frog-beds in Bombay. Stoliczka.—Oxyglossus pusillus. *Price Rs.* 5.

Volume VII.—Part 1, Mallet.—On the Vindhyan series in the North-Western and Central Provinces.—Oldham.—Mineral Statistics of India. Coal.—Medlicott—Geology of the Shillong plateau, pp 210, maps and illustrations *Price Rs* 2-8.

Part 2, Hughes.—On the Kurhurbari Coal-field. Hughes.—On the Deoghur Coal-fields, pp 48, Maps. *Price Re.* 1-8.

Part 3, Mallet.—Aden water-supply.—Hughes.—Karanpura Coal-fields. *Price Rs.* 2.

Records of the Geological Survey of India, being shorter papers exhibiting the current labors of the Survey. A number is published every three months,—in February, May, August, and November. Three numbers have appeared for 1868, and four each for 1869, 1870, and 1871.

Subscription for the year Rs. 2. *Price of each number* 1 *Rupee. Postage for India* 4 *annas additional per annum.*

Palæontologia Indica, being figures and descriptions of the organic remains obtained during the progress of the Geological Survey of India. These are published in fasciculi, each containing six lithographed plates, Roy. 4to., with descriptions, or a correspondingly larger amount of letter-press. A fasciculus is issued every three months, or on the 1st of January, April, July, and October in each year. *Price Rs.* 2.

The following have already appeared :—

Ser. I.—The Fossil Cephalopoda of the Cretaceous Rocks of Southern India (Belemnitidæ-Nautilidæ), 25 Plates, with letter-press. *Price Rs.* 7-8 (15*s.*)

Ser. II.—The Fossil Flora of the Rajmahal Series. Six fasciculi have been published. *Price Rs.* 12 (£1-4*s.*)

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Ser. I & III, or the complete Series of the Cephalopoda, may be had bound together, pp. xxiv, 216, 95 Plates. *Price Rs* 31-8 (£3-3*s.*)

Ser. IV, 1.—The Vertebrate Fossils from the Panchet Rocks, by Prof. T. H. Huxley. *Price Rs* 2 (4*s.*)

Ser. V, 1—10.—The Gastropoda of the Cretaceous Rocks of Southern India. Complete, half-bound, lettered, pp xiii, 500, 28 Plates. *Price Rs.* 20 (£2.)

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[Only a limited number of copies are printed.]

Chronological Table for 1871. *Price* 4 *as.*

The above to be had at the Geological Survey Office, 1, *Hastings Street; at the Office of Superintendent of Government Printing,* 8, *Hastings Street; or through any Bookseller.*

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The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 9, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th February 1872, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 2 OF 1872.

A Bill to provide for the Extradition of Criminals and for the trial of offences in Native States.

Preamble.

WHEREAS various Courts have been established by the Governor General in Council beyond the limits of British India for the trial of offences committed by British subjects beyond such limits; and whereas it is expedient to consolidate and amend the law relating to such Courts, and to offences committed by British subjects, beyond the limits of British India, and to the extradition of criminals; It is enacted as follows :—

Short title.

1. This Act may be called "The Native Courts and Extradition Act, 1872":

Local extent.

It extends to the whole of British India;

to all Native Indian subjects of Her Majesty without and beyond the Indian territories under the dominion of Her Majesty; and

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column thereof.

"Political Agent" defined.

3. In this Act the expression 'Political Agent' means and includes—

(1) the principal officer representing the British Government in any Native State;

(2) any officer in British territory appointed by the Governor General in Council to act as Political Agent for any place not forming part of the British territory.

"Native State."

'Native State' means, in reference to Native Indian subjects of Her Majesty, all States without and beyond the Indian territories under the dominion of Her Majesty; and, in reference to European British subjects, it means the dominions of Princes and States in India in alliance with Her Majesty.

COURTS IN NATIVE STATES.

Power to establish Courts for trial of offences committed in Native States.

4. The Governor General in Council may establish Courts of Justice with criminal jurisdiction for the trial of offences committed by Native Indian subjects of Her Majesty in the territories of Native States and Princes in and adjacent to British India.

Notification of establishment of such Courts.

5. The establishment of such Courts shall be notified in the Gazette.

The notification shall state:

(1.) What powers the Court is to have.

(2). What is to be the course of commitment, and of appeal and revision to which the proceedings and judgments of such Courts are to be subject; and whether such Courts are in any, and, if so, in what, cases to report their proceedings to the Governor General in Council or to the Local Government for final orders.

(3). What is to be the local area of the Court's jurisdiction within which they are to exercise the powers hereinafter described.

Every such notification shall have the force of law.

Appointment, powers and jurisdiction of Justice of the Peace.

6. The Governor General in Council may also appoint any European British subject in any such State or territory to be a Justice of the Peace, and every such Justice of the Peace shall have all the powers conferred on Justices of the Peace by any law in force for the time being in British India. The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial.

Confirmation of existing Courts and Justices.

7. All Courts heretofore established, and all Justices of the Peace heretofore appointed by the Governor General in Council in any such Foreign State as aforesaid, shall be deemed to be and to have been established and appointed, and to have had jurisdiction under the provisions of this Act.

Extension of Criminal law of British India to British subjects in Native States.

8. The law relating to crimes and to criminal procedure in force in British India for the time being, shall extend to all British subjects, European and Native, in the territories of Native States and Princes in and adjacent to British India.

Jurisdiction of Courts under Act.

9. The Courts hereinbefore referred to shall have the same jurisdiction to inquire into, try and determine all charges against British subjects, European or Native, charged with any offence against such laws, as Courts with the same powers would have in British India, subject to such rules as may be contained in the notification by which they are established or in any orders heretofore issued by the Governor General in Council.

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMITTED BY BRITISH SUBJECTS IN NATIVE STATES.

Liability of British subjects for offences committed in Native States.

10. All British subjects, European and Native, in the British territories, may be dealt with in respect of offences committed by them in Native States as if such offences had been committed in any place within the British territories in which any such subject may be or may be found:

Provided that no charge as to any such offence shall be enquired into unless the Political Agent for the territory in which the offence is said to have been committed certifies that, in his opinion, the charge is one which ought to be enquired into.

Political Agent to certify fitness of inquiry into charge.

Proceedings for compelling appearance of such offenders before officers having jurisdiction.

11. All such proceedings shall be taken by officers in British territory for compelling the appearance of such persons before the British officers having jurisdiction in the Native territory in which the alleged offences were committed as might be had in British territory for compelling the appearance in one district of a person charged with committing an offence in another district:

Provided that any proceedings taken against any person under section ten which would be a bar to subsequent proceedings against such person for the same offence, if the offence had been committed in British territory, shall be a bar against further proceedings against him in respect of the same offence in Native territory under this section:

Provided, also, that the Political Agent may give over any such person being a Native Indian subject of Her Majesty to be tried by the ordinary Courts of the territory in which the offence was committed, if he is generally or specially directed to do so by the Governor General in Council, or by the Governors in Council of Madras and Bombay respectively.

Power to direct copies of depositions and exhibits to be received in evidence.

12. Whenever any such offence as is referred to in section ten is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions taken or exhibits produced in a State in which such offence is alleged to have been committed, or exhibits filed before a competent judicial officer of such State, shall be received as evidence by the Court holding such inquiry or trial, as though made or produced before such Court.

EXTRADITION.

Arrest and removal of offenders in Foreign States not being British subjects escaping into British territory.

13. When an offence has been committed or is supposed to have been committed in any such State against the law of such State by a person not being a European British subject, and such person escapes into, or is in British territory, the Political Agent may issue a warrant for his arrest and delivery at a place in such State, and to an officer of such State to be named in the warrant,

if he thinks that the charge is one which ought to be enquired into,

and if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the second schedule hereto,

or under any other section which may, from time to time, be specified by the Governor General in Council by a notification in the Gazette.

The warrant may be directed to the Magistrate of any district in which the accused person is believed to be, and shall be executed in the manner provided in the Code of Criminal Procedure; and the accused person, when arrested, shall be forwarded to the place and officer named in the warrant.

Power to make rules.

14. The Governor General in Council may make, and may from time to time alter, rules to provide for—

(1) the confinement, diet and prison discipline of British subjects, European or Native, imprisoned by Political Agents under this Act;

(2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the authorities of the State in which the offence is alleged to have been committed;

(3) and generally to carry out the purposes of this Act.

SCHEDULE I.

Number and year.	Title.	Extent of repeal.
26 Geo. III, C. 57.	An Act for the further Regulation of the trial of Persons accused of certain offences committed in the East Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty (intituled "An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East Indies"), as requires the Servants of the East India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against Persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of Deeds and Writings executed in Great Britain or India.	Section 29.
33 Geo. III, C. 52.	An Act for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good order and government of the Towns of Calcutta, Madras and Bombay.	Section 67.
Act I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	The whole.
Act VII of 1854.	An Act for the apprehension within the territories under the Government of the East India Company of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to Justice, and to provide for the execution of warrants in places out of the Jurisdiction of the authorities issuing them.	So much as is unrepealed.

SCHEDULE II.

SECTIONS OF THE INDIAN PENAL CODE REFERRED TO IN SECTION 12.

Sections 230 to 263, both inclusive; sections 299 to 304, both inclusive; sections 307, 310 and 311; sections 312 to 317, both inclusive; sections 323 to 333, both inclusive; sections 347 and 348; sections 360 to 373, both inclusive; sections 375 to 377, both inclusive; sections 378 to 414, both inclusive; sections 435 to 440, both inclusive; sections 443 to 446, both inclusive; sections 464 to 468, both inclusive; sections 471 to 477, both inclusive.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to throw the existing law as to offences committed in foreign territory into a more compact and convenient form; to provide in a distinct manner for the establishment of Courts in Native States for the trial of British subjects; and to lay down the conditions under which Extradition can be enforced.

J. F. STEPHEN.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th February 1872, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 3 OF 1872.

A Bill to amend Act XXIV of 1867.

Preamble.

WHEREAS it is expedient to amend Act XXIV of 1867; It is hereby enacted as follows:—

Amendment of section 3 of Act XXIV of 1867.

1. In section three of Act XXIV of 1867, after the words "Presidency of Bengal includes the territories which are or shall for the time being be respectively under the Governments of the Lieutenant Governors of Bengal, the North-Western Provinces and the Panjáb, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces and British Burmah," the following shall be read:—

"and such other places within the territories of Native States and Princes in alliance with Her Majesty as shall be from time to time declared by the Governor General in Council by notification in the Gazette to form part of the Presidency of Bengal."

Amendment of section 52 of said Act.

2. After section 52 of the said Act, the following shall be read :—

"*Explanation.*—When an Administrator General, representing or having taken out letters of administration to an estate, pays, sets aside in account, or otherwise deals with any of the assets of such estate, at the request of an Executor or Administrator of such estate not in British India,

or, having declared a dividend or payment in full of the debts due by any estate which he represents, sets aside the funds to meet such dividend or payment in full on account of the creditors,

or, after payment of the debts due by any such estate, sets aside any of the assets of such estate to the account of a person entitled to a share in or legacy payable out of such estate,

there shall be and shall be deemed to have been a 'distribution' of the assets so paid, set aside or dealt with, within the meaning of this section, and of section 27 of Act VIII of 1855."

Act to be read as part of Act XXIV of 1867.

3. This Act shall be read as part of the said Act XXIV of 1867.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable the Governor General in Council to extend the Administrator General's Act, 1867, to places in Native Indian States in which, owing to the existence of a considerable European community, it is desirable that the Administrator General should be able to act. This has been done by providing that the "Presidency of Bengal" shall, for the purposes of the Act, include such places in Native States as the Governor General shall, by notification in the Gazette, declare to belong to it.

The occasion has also been taken to clear up some uncertainty which at present exists as to the meaning of the word "distribution" in section 52.

J. F. STEPHEN.

The 7th February 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 10 of 1872.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 9, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Wednesday, the 28th February 1872.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. T., *presiding*.
His Honour the Lieutenant Governor of Bengal.
His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.
The Hon'ble John Strachey.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
The Hon'ble B. H. Ellis.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.
The Hon'ble F. R. Cockerell.

CONSOLIDATED CUSTOMS ACT AMENDMENT BILL.

The Hon'ble SIR RICHARD TEMPLE, in moving for leave to introduce a Bill for the further amendment of the Consolidated Customs Act, said that the List of Business shewed that the object of this Bill was stated in the title. Perhaps he could best illustrate the object of the introduction of the measure

by reading to the Council the Statement of Objects and Reasons which accompanied the Bill:—

"The object of this Bill is to abolish certain 'General Funds' which have been formed under a provision of the Consolidated Customs Act, out of penalties imposed under the Act, and which at present can be employed only in the reward of informers and persons who have assisted in seizures under the Act.

"It is thought more convenient to transfer the sums so accumulated to the credit of Government, and thus render them available for the general purposes of the State, providing for all charges from the general revenues."

The Motion was put and agreed to.

EXTRADITION BILL.

The Hon'ble MR. STEPHEN introduced the Bill to consolidate and amend the law relating to offences committed in Foreign States, and moved that it be referred to a Select Committee with instructions to report in a month. He said that he had obtained leave to introduce this Bill some time since, and the Bill he had now to introduce had been prepared in consultation with the Foreign Department. He had very little to say about this Bill, except that, *firstly*, it was most necessary to consolidate the existing law, which was at present scattered over more Acts than one; and, *secondly*, he wished to point out that the Bill did not in any way alter in substance the present position of the Government in regard to Native States. In regard to some of the Native States, there were arrangements in force regarding extradition; this Bill would in no way interfere with them. But in almost every Native State in India it had been the practice to invest the Political Agent with power to try offences committed in those States by British subjects. That was an arrangement for which precedents might be found, to some extent, from European experience. The Consuls of European States exercised power of that kind in Constantinople and in other places. It had been exercised without any question whatever in every Native State throughout Northern India: MR. STEPHEN was not quite certain as to the practice in Southern India. At all events, the power of the Political Agent to exercise such jurisdiction existed, and it was not proposed to alter it, but simply to put it on a legal basis.

As to any Native States in which it might not hitherto have been the practice for the Political Agent to exercise this power (if any such there were), the Bill recognized the power of the Government, as against its own subjects, to erect Courts of this description, but it had nothing to do with its right as between Government and Government to erect them. The propriety of erecting such Courts would be a political question. The position of no Native State would be altered by the provisions of this Bill. If such Courts had been erected, they had been erected according to the existing practice; if they had not already been erected, the question whether or not they should be erected was a political question between the Government and the Native State concerned, and it was a question with which the legislature had nothing whatever to do.

There were, however, some further provisions in the Bill, which were intended to remedy certain defects in the existing law, which would, MR. STEPHEN thought, be welcomed in every Native State, and the necessity for which had been very much felt. He alluded to the extradition of offenders in the case of crimes committed by them in Native States. There were some provisions in the existing law on this subject; but they were not in a satisfactory state. The crimes for which extradition might be required were at present very loosely defined. They were contained in a list formed before the Penal Code was enacted. The effect therefore was that the whole law of extradition was at present in a very uncertain state. He hoped that the Bill would be found to provide a remedy for these evils. To the Native States, mixed up as they were, and in some cases divided from each other and from British territory by a merely imaginary line, it must be a great grievance to know that a person committing a

crime within their territory could escape from pursuit, except under circumstances of great difficulty, by crossing over into British territory. The effect of the present Bill would be that nearly all serious offences would be dealt with as easily if they were committed in Native States, as if they had been committed in British India.

MR. STEPHEN hoped the Bill would be received in a spirit of friendliness by the Native States: it was introduced with the view of rendering the administration of justice more expeditious than at present. As regards British subjects who made themselves liable to punishment and left the State and came into British territory, they would be liable to be arrested and handed over to the Political Agent in that State, who might, in the case of every such British subject (not being a European British subject), direct him to be tried by the Courts of the territory in which the offence was committed, if the Government of India consented to that arrangement. The effect would be that those States which established a regular system of administration of justice would be placed in a position by which they would be authorized to try offences committed in their States by Native British subjects. European British subjects in Native States would be placed on the same footing as that in which they stood in regard to offences committed by them in other parts of the country.

The Motion was put and agreed to.

ADMINISTRATOR GENERAL'S ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN also introduced the Bill to amend Act XXIV of 1867 (the Administrator General's Act), and moved that it be referred to a Select Committee with instructions to report in a month. He said that this was a very short Bill, and not one of very general importance. It had two objects and but two sections. The first section provided that the Administrator General's Act might be extended to parts of India other than those in which it was at present in force. There was a considerable European community in many parts of Native territory, and the Administrator General had no power to deal with the effects of Europeans who died there. That was an omission in the Administrator General's Act which it was intended to supply.

The second section of the Bill related to a matter in which the public certainly had little interest, but which had given rise to questions between the late and the present Administrator General. The law declared that the Administrator General was to be paid by a percentage on the estates which he distributed, and he was authorized to take, at the period of distribution, one and a half per cent. commission on the amount. Some years ago, in the late Administrator General, Mr. Hogg's time, a question arose as to what constituted a distribution. This question was referred for the decision of the Government, and the Government gave a decision upon the subject to the effect that, when an Administrator General set out an account or otherwise dealt with an estate at the request of the executor, it was a distribution. This decision continued to be acted upon till the present time. At the death of Mr. Hogg, the present Administrator General, Mr. Broughton, was appointed, and a question, in which the public had no interest, arose as to the exact point at which the one began, and the other ceased, to take percentage. As MR. STEPHEN had said, the point was of no public importance. But it was necessary that it should be decided in one way or the other in fairness to the Administrator General. He ought, no doubt, to get the advantage at one end or the other of his term of office; but no one Administrator General ought to take it at both ends. The provision in this Bill had been so framed as to embody the ruling of the Government of India ten years ago, and he might say that the matter had been settled to the satisfaction of the parties concerned.

The Motion was put and agreed to.

PANJÁB MUNICIPALITIES BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities), said that the Panjáb Municipalities were established under Act XV of 1867, and in order to give the system a trial, it was enacted, in the first instance, for five years. The Act was on the verge of expiring: the period of time for which it was enacted was allowed to run very close, and the Panjáb Government was reminded of the fact by a communication from the Legislative Department. The law had been found to work very well, although there were one or two slight alterations which the Panjáb Government suggested. He had nothing to say on the subject at present beyond asking for leave to introduce the Bill: if any discussion did arise it would arise at a subsequent stage of the proceedings on this Bill.

The Motion was put and agreed to.

TRANSSHIPMENT OF GOODS ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to amend Act XX of 1867 (*to authorize the transshipment, without payment of duty, of goods imported into Calcutta, Madras and Bombay by steamers*), said that this Bill also was of no general interest. Act XX of 1867 authorized the Government to permit the transshipment of opium, without the payment of duty, in the case of goods imported into the ports of Calcutta, Madras and Bombay. At the time that Act was passed the ports of Burma were not thought of: it was now thought desirable that such transshipment should also be authorized at the ports in Burma. It was proposed to invest the Government with power to extend the Act to any port it thought fit.

The Motion was put and agreed to.

CARRIERS BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to amend the Law relating to Carriers, said that this Bill required a little more comment than the others. It was a Bill of very considerable importance, although it was not likely that any discussion would arise upon it at present. His Lordship and the Council were aware that the Contract Law had long been under the consideration of a Select Committee of the Council. It had been scrutinized by the Committee which sat upon it with the utmost care, and had been under the examination of the Committee for at least three years. MR STEPHEN hoped, after this long period of incubation, it might soon become part of the law of India. It was originally intended that the Carriers' Act and a part of the Railway Act, which at present regulated the Law of Carriers in India, should not form part of the Contract Law. It appeared to him that it would be a decided improvement to introduce these enactments into the Contract Law, so as to make that law as complete as possible. He had not a doubt that that would be the right and convenient course; and, accordingly, a new chapter of the Contract Law was drawn up, to consolidate the Carriers' Act and a part of the Railway Act, and to put the whole matter on a satisfactory footing. That chapter was forwarded to the Public Works Department and the Financial Department (which were the Departments principally interested in the subject), in order that the Committee might have their opinion as to the manner in which the present Bill would affect the Railways in which the State was so largely interested. An exceedingly strong expression of opinion was received from the Public Works Department, to the effect that the law was at present in a most unsatisfactory state, and that we could not adopt the law of England (as MR. STEPHEN had proposed) without incurring very great inconvenience. The law as it stood was contained partly in the Carriers' Act—an Act not very well drawn in itself—and partly in three sections of the Railway

Act, which did not fit well into the Carriers' Act; and considerable difficulty had been found in construing these different provisions in such a manner as to form them into one law. It was proposed to draw the Bill so as to fit these provisions into the Contract Law. The general principle of what was proposed was in accordance with the law of England, namely, that Carriers (including in the term the Railway Companies and the Government) should be liable for loss or damage to goods carried by them and be able to limit their liability by entering into special contracts. The Public Works Department wrote an opinion on this subject, which would be published when the Bill was introduced, to the effect that these proposed restrictions would be most mischievous; that Department gave it as its opinion that the liability of Railways for injury should be absolute, except only as to certain specified things, and that they should not be able to exonerate themselves from liability for damages caused by a variety of accidents which they ought to prevent. MR. STEPHEN need not go into the subject now; but when the Bill was introduced, he might do so more fully.

The Committee on the Contract Law, after reading this opinion, were, generally speaking, disposed to agree with the Public Works Department; but they felt that it affected the interests of the Railway Companies so largely that it would be impossible to carry the Bill through without hearing them. Accordingly, it was determined that these sections should, as originally proposed, be omitted from the Contract Law—that is to say, that MR. STEPHEN's proposition should be withdrawn, as the Committee did not think it would be worth while to postpone the passing of the Contract Law until the opinion of the Railway Companies and other parties interested in the subject could be obtained. On the other hand, it was felt to be clear that very great inconvenience did exist with regard to the Law of Carriers which ought to be remedied. It was therefore determined that MR. STEPHEN should introduce a Bill on the subject, and that it should be read as part of the Contract Law when passed. The Bill would be submitted for opinion; it would of course have to be sent home to England for the opinion of the Boards of the Railway Companies, in order to hear what they had to say on the subject, and would be taken into consideration next cold weather. The Contract Law would, in the meantime, be submitted to the Council without that chapter.

The Motion was put and agreed to.

The Hon'ble MR. STEPHEN asked leave to postpone the presentation of the final Report of the Select Committee on the Bill for declaring what laws are in force in the Panjáb.

Leave was granted.

BURMA COURTS BILL.

The Hon'ble MR. STEPHEN asked leave to postpone, also, the presentation of the Report of the Select Committee on the Bill to regulate the Courts in British Burma.

Leave was granted.

HIGH COURT JURISDICTION (SIND) BILL.

The Hon'ble MR. CHAPMAN, in moving for leave to introduce a Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind, said that the Bill would be of a purely declaratory character. The High Court of Bombay had never exercised jurisdiction in the Province of Sind, and it was certainly not the wish or intention of the Government that they should do so. There was, however, a case now pending before the High Court in which the question of jurisdiction had been raised; and it was just possible that, owing to a doubt as to the way in which the word "Presidency"

was used in the High Court Act and in the Letters Patent, the Court would be obliged to assert their jurisdiction. The proposed Bill would remove this doubt.

The Motion was put and agreed to.

PATTERNS AND DESIGNS BILL.

The Hon'ble MR. STEWART said—"MY LORD: I have the honour to move for leave to introduce a Bill for the protection of Patterns and Designs used in Manufacture, and, in doing so, I shall venture briefly to describe to the Council what I conceive to be the necessity for such a measure.

"I think it will not be disputed that every person who has an inherent right, by invention or acquirement, to any specific design, and who is willing to conform to suitable regulations in the matter, has as clear a title to have that right recognised and enforced as the owner of any other property of a like nature can have; and, in fact, the law of England affirms this principle by certain Statutes which protect the proprietor of duly registered designs against imitation of such designs, if such imitation be effected in England, and against the sale in England of such imitation, whether it be effected there or elsewhere.

"But these Statutes have not been extended to India, and, this being so, the proprietor of a design registered in England is not protected against the imitation of his design in India, nor can he, in India, restrain the sale of any imitation of his design, while the local proprietor is equally unprotected.

"Common sense and the precedent of English legislation must satisfy us, I think, that this state of things should not be allowed to continue; but it is not on the ground of theoretical justice alone that I deem legislation necessary. Numerous instances have arisen of imitations of designs, registered in England, being imported into and sold in India; while I am informed that, at this moment, there are persons in this immediate neighbourhood part of whose trade it is to imitate designs which have been registered in England and found suitable for India; so that legislation appears, not only theoretically right, but practically necessary.

"The measure which, if the Council shall give me leave, I propose to submit, will provide for the extension to India of the Statutes now in force in England, with such modifications and additions as may appear to be expedient; and the result, if the Bill shall be passed into law, will be that the owner of a design registered in England will be protected in the enjoyment, in India, of the rights and privileges which he already enjoys in England, but of which the existing state of our law deprives him; while the local proprietor will have conferred on him, so far as this legislature can confer them, the same rights—rights to which I think he already possesses an undoubted moral claim.

"It may be thought that the provisions of the Penal Code relating to trade-marks are applicable to such cases as I wish to provide for; but I understand that it is more than doubtful whether a design is a trade-mark at all; and at all events, it is well, I think, that there should be a remedy by civil process."

The Hon'ble MR. STEPHEN said that he had only one observation to make with reference to this Bill, which he was sure the Council would be obliged to the Hon'ble Mr. Stewart for introducing. It was the last observation which the hon'ble gentleman made, in reference to the provisions of the Penal Code as to property and trade-marks, regarding which MR. STEPHEN wished to say a word. He fully agreed with Mr. Stewart that there ought to be a civil as well as a criminal process for punishing the offence of counterfeiting trade-marks. As far as MR. STEPHEN had been able to learn, the

fact that the criminal law was used for the purpose of obtaining redress for civil wrongs was one of the greatest blots on the administration of justice in India.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to consolidate and amend the law relating to offences committed in Foreign States ——— The Hon'ble Messrs. Strachey, Chapman and Cockerell and the Mover.

On the Bill to amend Act XXIV of 1867 (the Administrator General's Act) ——— The Hon'ble Messrs. Inglis, Chapman, Stewart, Bullen Smith and Cockerell and the Mover.

The Council adjourned to Tuesday, the 5th March 1872

CALCUTTA;
The 28th February 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ABSTRACT OF FOREIGN MESSAGES FOR THE MONTH OF OCTOBER 1871.

DESCRIPTION	ROUTE								TOTAL	
	VIA TEHERAN		VIA TURKEY		BY BRITISH-INDIAN SUB MARINE CABLE		BY BRITISH-INDIAN EXTENSION CABLE, &c			
	No	Indian Value	No	Indian Value	No	Indian Value	No	Indian Value	No.	Indian Share of Value.
		Rs A		Rs. A		Rs A		Rs A		Rs. A.
TO AND FROM INDIAN STATIONS *										
Sent	624	4,579 10	799	3,546 5	957	5,933 8	327	1,985 12	2,707	16,045 3
Received	802	5,363 12	327	1,793 8	1,402	9 220 0	358	2,178 10	2,889	18,555 14
TOTAL	1,426	9,943 6	1,126	5,339 13	2,359	15,153 8	685	4,164 0	5 596	34,601 1
TRANSIT										
From East to West					930	4,447 10			930	4,447 10
West to East	115	512 14	123	550 5	635	2,872 10			873	3,935 13
TOTAL	115	512 14	123	550 5	1 565	7,320 4			1,803	8,383 7
GRAND TOTAL									7,399	42,984 8

* Including Karachi *viâ* I E line, Bombay *viâ* B I S Cable, and Madras *viâ* B I E Cable.

Abstract of Foreign Traffic with India by the Indo-European and Red Sea Lines for the month of October 1871

ROUTE		NUMBER OF MESSAGES BY EACH ROUTE, EXCLUSIVE OF TRANSIT			PERCENTAGE OF TOTAL NUMBER		
		To India †	From India †	Total	To India	From India	Total
INDO-EUROPEAN	*Viâ* Teheran	802	624	1,426	31 69	26 22	29 04
	„ Turkey	327	799	1,126	12 92	33 57	23 93
RED SEA	„ Suez	1,402	957	2,359	55 39	40 21	48 3
TOTAL		2,531	2,380	4,911	100 00	100 00	100 00

† Including Karachi *viâ* I E line, and Bombay *viâ* B I S Cable

GOVERNMENT

PUBLIC WORKS

COMPARATIVE ABSTRACT OF TRAFFIC ON INDIAN

Quarters	East Indian Main Line		East Indian Jubbulpore Line.		East in Bengal		Calcutta and S E (S.)		Oudh and Rohilkhund		Punjab and Delhi.		Madras		Great Southern of India	
	1870	1871	1870	1871.	1870	1871	1870	1871	1870	1871.	1870	1871.	1870.	1871	1870.	1871.
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
FIRST QUARTER.																
Total Earnings	718,401	658,700	36,986	40,188	41,860	54,986	2,023	2,774	6,572	6,868	86,271	84,813	127,741	119,924	17,380	16,012
Mean mileage open	1,131	1,279	223	223	113	156	28	28	42	42	530	567	707	805	168	168
Average receipt per week	55,262	50,669	2,845	3,091	3,221	4,230	156	213	505	528	6,636	6,524	9,826	9,225	1,338	1,232
Average receipt per week per mile open	48·8	39 6	12 8	13 0	28 5	27 1	5·6	7 6	12 0	12 6	12 5	11 5	13 9	11 5	7·9	7·3
SECOND QUARTER																
Total Earnings	703,584	576,605	32,143	36,200	39,060	52,1 6	1,915	2,352	6,016	7,617	96,905	79,760	125,258	127,392	18,233	17,889
Mean mileage open	1,131	1,279	223	223	113	156	28	28	42	42	554	567	707	832	168	168
Average receipt per week	54,122	44,354	2,473	2,785	3,005	4,010	147	181	463	586	7,454	6,135	9,635	9,799	1,403	1,376
Average receipt per week per mile open	47 8	31 7	11 1	12 5	26 5	25 7	5 2	6·5	11 0	14·0	13·5	10·8	13·6	11 8	8 4	8·2
THIRD QUARTER.																
Total Earnings	542,823	408,963	16,314	20,705	44,154	54,029	1,519	1,438	5,758	4,481	72,137	46,259	104,803	140,267	17,975	17,401
Mean mileage open	1,131	1,280	223	223	113	156	28	28	42	42	559	534	707	832	168	168
Average receipt per week	41,756	31,459	1,255	1,593	3,396	4,156	116	111	443	345	5,549	3,558	8,062	10,790	1,383	1,339
Average receipt per week per mile open	36 9	24 6	5 6	7 1	30 1	26 6	4 1	4 0	10 5	8 2	9 9	6·7	11 4	13 0	8 2	8 0
FOURTH QUARTER.																
Total Earnings	636,191	659 011	36,652	45,269	53,041	39,960	1,756	1,624	7,188	6,608	84,455	94,340	117,693	142,359	17,291	19,884
Mean mileage open	1,131	1,280	223	223	113	156	28	28	42	42	572	565	716	832	168	168
Average receipt per week	48,938	50,693	2,819	3,482	4,080	3,074	135	125	553	508	6,497	7,257	9,053	10,951	1,330	1,530
Average receipt per week per mile open	43·3	39 6	12 6	15 6	36 1	19 7	4 8	4 5	13 1	12 1	11 4	12 8	12·6	13 2	7·9	9 1
TOTAL FOR THE YEAR																
Total Earnings	2,601,002	2,303,279	122,095	142,362	178,133	201,101	7,213	8,188	25,534	25,574	339,768	305,772	475,495	529,942	70,829	71,186
Mean mileage open	1,131	1,280	223	223	113	156	28	28	42	42	554	558	709	825	168	168
Average receipt per week	50,019	44,294	2,348	2,738	3,426	3,867	139	157	491	492	6,531	5,869	9,144	10,191	1,362	1,369
Average receipt per week per mile open	44·2	34 6	10·5	12 3	30 3	24·8	5 0	5 6	11·7	11 7	11 8	10·5	12 9	12 4	8 1	8 1

OF INDIA.

DEPARTMENT.

RAILWAYS FOR THE FOUR QUARTERS OF 1870 and 1871.

Carnatic.		Great Indian Peninsula.		Khumgaon Branch.		Oomra-otee Branch.	Bombay, Baroda, and Central India.		Sindh.		Total.		Remarks.
1870.	1871.	1870.	1871.	1870.	1871.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	
£	£	£	£	£	£	£	£	£	£	£	£	£	
837	728	510,207	526,918	151*a*	951	433*b*	142,436	123,769	19,779	16,504	1,710,606	1,653,568	(*a*.) Receipts for 2 weeks and 4 days.
19	19	1,063	1,258	7	7	5	312	312	106	106	4,449	4,975	(*b*.) Receipts for 6 weeks.
64	56	39,247	40,532	59	73	72	10,957	9,521	1,521	1,270	131,632	127,236	
3·4	3·0	36·9	32·2	8·4	10·4	14·4	35·1	30·5	14·3	12·0	29·6	25·6	
1,150	1,246	541,330	540,198	775	965	680	171,727	162,396	23,741	17,871	1,761,846	1,623,297*c*	(*c*.) These are the corrected figures for the 2nd Quarter of 1871.
19	19	1,184	1,269	7	7	5	312	318	106	106	4,594	5,019	
88	96	41,641	41,554	60	74	52	13,210	12,492	1,826	1,375	135,527	124,869	
4·6	5·1	35·2	32·7	8·6	10·6	10·4	42·3	39·3	17·2	13·0	29·5	25·0	
796	839	215,999	286,961	41*d*	171	312	60,180	60,863	16,438	20,652	1,098,939	1,063,341	(*d*.) Receipts for 2 weeks and 4 days.
19	19	1,184	1,274	7	7	5	312	326	106	106	4,599	5,000	(*e*.) Owing to damage done to the permanent-way by the heavy floods during this Quarter, the mean mileage open has decreased.
61	65	16,615	22,074	16	13	24	4,629	4,682	1,264	1,589	84,546	81,795	
3·2	3·4	14·0	17·3	2·3	1·8	4·8	14·8	14·4	11·9	15·0	18·4	16·4	
730	742	370,494	476,034	63*f*	244	484	104,567	120,093	14·212	18,213	1,444,333	1,624,865	(*f*.) 1st to 31st December.
19	19	1,188	1,274	7	7	5	312	335	106	106	4,635	5,040	(*g*.) Include Rajghat to Mooltan, 6 miles.
56	57	28,500	36,618	14	19	37	8,044	9,238	1,093	1,401	111,112	124,990	
3·0	3·0	23·8	28·7	2·0	2·9	7·4	25·8	27·6	10·3	13·2	24·0	24·8	
3,513	3,555	1,638,030	1,830,111	1,030	2,331	1,909	478,910	467,121	74,170	73,240	6,015,722	5,965,071	
19	19	1,157	1,269	7	7	5	312	323	106	106	4,569	5,009	(*h*.) Excludes Rajghat to Mooltan, 6 miles.
68	68	31,501	35,194	46	45	46	9,210	8·983	1,426	1,409	115,713	114,723	
3·6	3·6	27·2	27·7	6·5	6·4	9·2	29·5	27·8	13·5	13·3	25·3	22·9	

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

EXPORTS OF COTTON FROM THE CENTRAL PROVINCES AND THE BERARS.

No. 55C, dated Camp Khangaon, the 22nd February 1872.

From—HARRY RIVETT-CARNAC, Esq., Commr. of Cotton and Commerce with the Govt. of India,
To—The Secretary to the Chamber of Commerce, Bombay.

In continuation of former correspondence, I have now the honor to forward, for the information of your Chamber, copy of a statement showing approximately the exports of cotton from the stations of the Great Indian Peninsula Railway Company in the Central Provinces and the Berars, from the commencement of the present season up to the 10th instant.

2. It will be seen that, up to the above-mentioned date, the quantity of cotton sent down to Bombay amounted to 68,144 full-pressed bales, 15,443 half-pressed bales, and 16,619 dokras, making a total of about 89,126 Bombay bales of half a kandy each. As compared with the figures of former years, this season's exports stand as follows:—

Exports from the commencement of the Season up to the 10th of February.

	Full-pressed bales.	Half-pressed.	Dokras.	Total reduced to bales.
1869-70 ...	17,679	19,232	9,177	39,970
1870-71 ...	30,418	14,469	8,842	47,834
1871-72 ...	68,144	15,443	16,619	89,126

3. The exports then of the present season up to date do not fall far short of double the quantity exported during the same period of the past season, 1870-71, and are actually considerably more than double that of the corresponding period of 1869-70. The increase is to be noticed at all the stations, save indeed Nandorah, which no longer exists as a cotton station, Khangaon having taken its place, whilst the exports from Wurdah (Hinguneghat) and Oomraotee are especially remarkable.

4. In my former reports I have stated my opinion that, owing to the scant rain-fall in parts of the Berars and in the adjoining country, a falling off in the total exports from these provinces is to be expected. The above figures will doubtless suggest that this view may after all be incorrect. I should be glad if this should turn out to be the case. But I fear that the large supplies that have already been brought into the market may easily be accounted for, and that we must still be prepared to see the season close early with the result already predicted.

5. The season has undoubtedly been an early one. The jowarree (millet) crop in many parts of the Berars being poor, this the cultivator's first care, was harvested without difficulty. This made labour plentiful, and the cotton fields were thus picked and the produce brought to market earlier than usual. Then again the bad season has undoubtedly caused distress. Gold which has been known to fetch as much as Rs. 17 and Rs. 17½ a *tolah*, has been selling at from Rs. 16 to 15½ per tolah, and silver ornaments also are to be bought cheap. At one time apprehension was entertained regarding the realization of the Government revenue. But this has nearly passed. The people have, however, been obliged to sell their produce without delay; few can afford to hold back, and this has thrown cotton on the market earlier than usual. Added to this the recent high prices have attracted many to market, and the whole result is that the season has been much earlier than usual, and that much

of the cotton which, under ordinary circumstances would have come in by degrees, has been brought in all at once. No one believes that these supplies can continue much longer, and the season is expected to close at a much earlier date than in former years.

6. The above remarks apply chiefly to West Berar, where the want of rain has been most severely felt. As one goes east matters improve, for there rain has been more plentiful. The exports from Oomraotee and Hingunghat have been exceptionally large, and the reasons given above hold good in East Berar also. In the Wurdah Valley, the season, as already reported to you, has undoubtedly been good. Here also prices are doing much to attract large supplies. If prices continue as at present, much of the cotton which is generally taken up for home consumption may find its way to Bombay, and this may to some extent affect the exports. I see no reason, however, to alter the estimate already submitted to your Chamber that, consequent on the partial failure of the crop in parts of the Berars, we must be prepared for a falling off of about 20 per cent. on the total exports from these provinces. Your Chamber have already had before them the facts on which this opinion is founded, and they are in a position to judge for themselves of the likelihood of its being correct.

7. It is satisfactory to see the increase in the supplies from the Nerbudda Valley. The figures of this and former years are compared below :—

Exports from the Nerbudda Valley.

	Dokras.	Equivalent to Bales.
10th February 1870 ...	1,960	653
10th February 1871 ...	4,361	1,454
Up to 10th February 1872 ...	14,336	4,779

8. It will also be noticed with satisfaction that the quantity of full-pressed cotton sent down is large. During the present season out of a total export equivalent to about 89,126 bales, 68,144 bales, or about 77 per cent., have been full pressed. This result is compared below with the exports of former years :—

	Total exports equivalent to Bales.	No. of full-pressed Bales.	Percentage of full-pressed.
Season 1869-70	39,970	17,679	42
" 1870-71	47,834	30,418	64
" 1871-72	89,126	68,144	77

9. The small State Railways to Khangaon and Oomraotee are doing their work well, as the following figures will show :—

Quantity of Cotton carried during the present season up to 10th February.

	Full-pressed.	Half-pressed.	Dokras.
Khangaon Railway ...	18,813	410	51
Oomraotee Railway ..	28,211	1,469	29

10. The difference in the exports from Khangaon and Oomraotee illustrates the condition of West and East Berar. In ordinary seasons Khangaon is as much ahead of Oomraotee, as Oomraotee this season is of Khangaon.

The following Statement shows in detail the quantity of cotton exported from the stations of the Great Indian Peninsula Railway in the Central Provinces and the Berars, from 1st October 1871, up to week ending 10th February 1872, as compared with the exports up to the same date in the seasons of 1870-71 and 1869-70.

Stations.	Exports for week ending 10th Feb. 1872.			Total Exports up to 10th Feb. 1872.			Total Exports up to 10th Feb. 1871.			Total Exports up to 10th Feb. 1870.		
	Full-pressed bales.	Half-pressed bales.	Dokras.	Full-pressed bales.	Half-pressed bales.	Dokras.	Full-pressed bales.	Half-pressed bales.	Dokras.	Full-pressed bales.	Half-pressed bales.	Dokras.
Nagpore ...	...	...	...	...	142	...	...	139	...	...	158	920
Wurdah ...	963	538	...	15,757	5,021	5	3,778	3,588	6	1,751	7,107	20
Poolgaum ...	...	20	...	...	403	...	...	933	...	...	2,244	153
Chandoor ...	...	...	...	...	222	...	...	97	...	...	316	...
Budnaira ...	...	...	...	...	...	...	11,689	1,901	8	5,774	2,333	122
Oomraottee ...	4,055	385	...	28,211	1,469	29	...	...	...	...	...	...
Mortizapore ...	...	776	73	...	3,139	1,991	...	802	40	...	735	237
Akola ...	...	...	...	...	...	28	...	102	103	...	1,500	693
Sheagaum ...	712	707	...	5,333	4,473	145	2,593	5,321	143	2,488	3,380	3,892
Khangaum ...	3,489	75	...	18,843	410	51	11,733	973	2,253	...	...	...
Nandoorah ...	...	42	...	...	164	...	625	613	136	7,666	1,459	807
Mulkapore ...	...	...	...	...	...	34	...	...	1,792	...	...	373
Buranpore ...	...	...	...	...	...	1,599	...	...	1,057	...	...	1,018
Khandwa ...	...	...	489	...	...	[illegible]	...	...	827	...	...	942
Hurdah ...	...	...	25	...	...	[illegible]	...	...	...	...	...	...
Sohagpore ...	...	...	...	...	...	106	...	...	832	...	...	...
Garrawara ...	...	...	...	...	...	142	...	...	273	...	...	...
Nimborah ...	...	...	75	...	...	1,372	...	...	...	...	...	...
Seonee ...	...	...	...	...	...	...	...	...	272	...	...	...
Bagrah ...	...	...	...	...	...	...	...	...	425	...	...	...
Bunkerry ...	...	...	...	...	...	...	...	...	66	...	...	...
Dongergaum ...	...	...	39	...	...	62	...	...	...	...	...	...
Etarsa ...	...	...	...	...	...	...	...	...	597	...	...	...
Nursingpore ...	...	...	...	...	...	...	...	...	12	...	...	...
Total ...	9,219	2,543	701	68,144	15,443	16,619	30,418	14,469	8,842	17,679	19,232	9,177

TOTALS.

	1871-72.	1870-71.	1869-70.
Full-pressed	68,144	30,418	17,679
Half-pressed	15,443	14,469	19,232
Dokras	16,619 = 5,539	8,842 = 2,947	9,177 = 3,059
	3	3	3
	89,126	47,834	39,970

Bales of 400 lbs. each.

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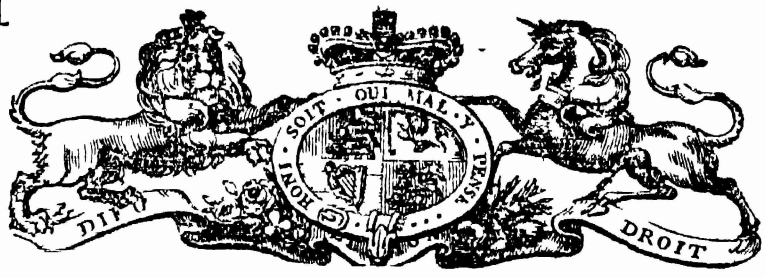
No. 11 of 1872.



The Gazette of India.

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CALCUTTA, SATURDAY, MARCH 16, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations ... ..239—304

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices ....73—76

PART III.—Advertisements and Notices by private Individuals and Corporations .. .. 73—80

PART IV.—Acts of the Governor General's Council assented to by the Governor General —
The Indian Evidence Act, 1872 .... 1—25

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—
The Native Courts and Extradition Bill 129—131
Administrator General's Act Amendment Bill 131—132

SUPPLEMENT, No. 11 ....185—214

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 11th March 1872.

No. 1227.—The Governor General in Council is pleased to permit Mr. J. R. Muspratt to resign Her Majesty's Bengal Civil Service from the 1st instant.

The 12th March 1872.

No. 1234.—The under-mentioned Covenanted Civil Servants have been granted by Her Majesty's Secretary of State for India extensions of leave for the periods specified against their names :—

Mr. J. Sladen, one month (private affairs).
Mr. J. J. Livesay, six months (medical certificate).

No. 1240.—The subsidiary leave granted to Mr. A. P. Howell, Under Secretary to the Government of India in the Home Department, in Notification No. 5739, dated 28th December last, will take effect from the afternoon of the 7th instant.

The 13th March 1872.

No. 1274.—Mr. H. W. Wellesley, of the Madras Civil Service, is appointed to officiate as Under Secretary to the Government of India in the Home Department, during the absence on furlough of Mr. A. P. Howell, or until further orders.

The 15th March 1872.

No. 1287.—The Governor General in Council is pleased to permit Mr. Alexander Ross to resign Her Majesty's Bengal Civil Service from the 22nd October last.

JUDICIAL.

The 12th March 1872.

No. 478.—It is hereby notified that the Secretary of State for India has, by Resolution in Council, declared the provisions of the 1st Section of an Act passed in the 33rd year of Her Majesty's reign, Chap. 3, entituled an Act to make better provision for making Laws and Regulations for certain parts of India and for certain other purposes relating thereto, to be from the 15th day of March 1872 applicable to the following parts of the territories under the government of the Lieutenant-Governor of Bengal, that is to say :—

The Damin-i-Koh.

So much of Pergunnah Bhaugulpore and of Pergunnah Sutticare as lies east of the Gerooah Nuddee and south of a line drawn eastward from Humza Chuck to the village of Dighee.

Zillah Bhaugulpore.	Pergunnah Teleeagurhee	Except such parts of them as are now or may be hereafter situate on the left bank of the main stream of the Ganges, so that in any change in the course of the river the main stream shall be the boundary.
	" Jumoonee	
	" Chetowleah	
	" Kankjole	
	" Bahadurpore	
	" Akbernuggur ...	
	" Inayutnuggur ...	
	" Mukraen	
	" Sooltangunge ...	
Zillah Bhaugulpore.	Pergunnah Umber	Except such detached villages as lie within the general boundaries of Pergunnahs not mentioned in this Schedule.
	" Sooltanabad	
	" Godda	
	" Umloo Mooteah ...	
	" Pussye	
	" Hendwa	
	Tuppeh Muneeharee	
	" Belputta	
Zillah Beerbhoom.	Pergunnah Pubbia	Except such detached villages as lie within the general boundaries of Pergunnahs not mentioned in this Schedule.
	Tuppeh Saruth Deoghur ...	
	" Kundit Kuraye ...	
	" Mohumdabad ...	
	Such part of Pergunnah Dureen Molissur as lies north of the Chilla or Chundun Ghat Nullah ...	

Such detached portions of other Pergunnahs and Tuppehs as lie within the general boundaries of any of the above-mentioned Pergunnahs and Tuppehs.

Such portions of Pergunnahs belonging to Maldah and Purneah below the village of Khederpore in Pergunnah Teleeagurhee as are now or may hereafter be situate on the right bank of the main stream of the Ganges.

No. 484.—The Governor General in Council is pleased to make the following appointments and promotion in the Province of British Burmah :—

Major A. G. Duff, Deputy Commissioner, 3rd (Officiating 2nd) Grade, to be Judicial Deputy Commissioner of Moulmein.

Mr. J. K. Macrae, Deputy Commissioner, 4th (Officiating 3rd) Grade, to be a Town Magistrate of the 1st Class.

Mr. C. D. Clifford Lloyd, Assistant Commissioner, 2nd (Officiating 1st) Grade, to be a Town Magistrate of the 2nd Class.

Captain R. C. Evanson, Assistant Commissioner, 3rd Grade, and Cantonment Magistrate of Rangoon, to be a Town Magistrate of the 2nd Class.

Mr. J. Davis, Assistant Commissioner, 3rd (Officiating 2nd) Grade, to be an Assistant Commissioner, 2nd Grade.

The 15th March 1872.

No. 512.—APPOINTMENT.—Captain W. P. Harrison, Assistant Commissioner, 3rd Grade, to officiate as Cantonment Magistrate of Fyzabad, during the absence on leave of Captain Grigg, or until further orders, with effect from the date on which he receives charge of the duties of the appointment.

No. 519.—The Hon'ble George Loch, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained furlough to Europe for one year, with effect from the 11th April next, or such subsequent date as he may avail himself of the same.

No. 522.—The Hon'ble J. B. Phear, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained six months' leave of absence on medical certificate, under the Leave Rules of 1863, with effect from the date on which he may avail himself of the same.

EDUCATION.

The 13th March 1872.

No. 129.—The Governor General in Council is pleased to appoint Mr. W. Lee Warner, B.A., of the Bombay Civil Service, to officiate as Director of Public Instruction in Berar, during the absence on leave of Dr. R. S. Sinclair, or until further orders.

Mr. Warner assumed charge of his duties on the forenoon of the 8th ultimo.

POLICE.

The 15th March 1872.

No. 185.—Mr. R. E. Acklom, Assistant District Superintendent of Police, Central Provinces, has obtained 18 months' leave of absence to proceed to Europe on Medical Certificate with effect from the 24th February 1872.

E. C. BAYLEY,

Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1st.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)

(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

FORESTS.

Fort William, the 12th March 1872.

No. 351.—Mr. F. H. C. Cox, Assistant Conservator of Forests of the 3rd Grade in the Central Provinces, is granted twenty months' leave of absence to Europe on medical certificate, with effect from the 28th October 1871.

The 15th March 1872.

No. 367.—Mr. W. Righy, Assistant Conservator of Forests of the 3rd Grade in the Panjáb, is granted 18 months' leave of absence, on medical certificate, to England, and one month's subsidiary leave, from such date as he may avail himself of it.

Mr. C. E. Fendall is appointed to officiate as an Assistant Conservator of Forests of the 3rd Grade during the absence of Mr. W. Righy on leave, or until further orders. Mr. Fendal is attached to the Panjáb.

No. 369.—The following officiating appointments have been made in the Forest Department:—

Mr. O Greig, Sub-Assistant Conservator of Forests in the North-Western Provinces, to officiate as an Assistant Conservator of Forests of the 3rd Grade, *vice* Mr. W. Brereton, officiating as Deputy Conservator. Mr. Greig will continue to be employed in the North-Western Provinces.

Mr. J. S. Mackay, Sub-Assistant Conservator of Forests in the Panjáb, to officiate as an Assistant Conservator of Forests of the 3rd Grade, *vice* Mr. C. F. Elliott, on leave. Mr. Mackay will continue to be employed in the Panjáb.

Mr. J. McKee, Sub-Assistant Conservator of Forests in the Central Provinces, to officiate as an Assistant Conservator of Forests of the 3rd Grade, *vice* Mr. W. C. Midwinter, whose services have been transferred to the Civil Department. Mr. McKee will, however, be attached to the Central Provinces.

Mr. G. Richardson, Supernumerary Sub-Assistant Conservator of Forests in Oudh, to officiate as an Assistant Conservator of Forests of the 3rd Grade, *vice* Mr. Cox on leave. Mr. Richardson is posted to the Central Provinces.

These appointments will have effect from the date of the present orders.

SURVEYS.

The 15th March 1872.

No. 160.—The following appointments in the Geological Survey of India will take effect from the 13th June last, the date on which Mr. H. B. Medlicott, Deputy Superintendent for Bengal, availed himself of the leave of absence granted in Notification of the Home Department No. 2334, dated the 12th May last :—

Mr. W. King, an Assistant of the 2nd Grade, to officiate as an Assistant of the 1st Grade.

Mr. F. R. Mallet, Assistant of the 3rd Grade, to officiate as an Assistant of the 2nd Grade.

GENERAL.

The 12th March 1872.

No. 193.—Mr. A O. Hume, C B., Secretary to the Government of India in the Department of Agriculture, Revenue, and Commerce, returned from the leave granted to him in Notification No. 498, dated the 29th November last, and resumed charge of his office on the forenoon of the 9th instant. The unexpired portion of his leave is hereby cancelled.

Mr. J. Geoghegan, Under Secretary to the Government of India in the Department of Agriculture, Revenue, and Commerce, resumed charge of his office on the forenoon of the 9th instant.

A. O. HUME,

Secretary to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

MILITARY.

Fort William, the 9th March 1872.

No. 33*M.*—LEAVE.—Captain R. G. Loch, 2nd in Command, Erinpoora Irregular Force, is granted forty-five days' privilege leave of absence from the 16th of March 1872.

POLITICAL.

The 13th March 1872.

No. 607*P.*—In recognition of his services to Government and of his meritorious exertions in the cause of Medical Science, the Viceroy and Governor General in Council has been pleased to confer on Sub-Assistant Surgeon Ruheem Khan, of the Lahore Medical School, the title of Khan Bahadoor as a personal distinction.

The 15th March 1872.

No. 633*P.*—In continuation of Notification No. 1333P of 30th June 1871, the Governor General in Council is pleased to notify as follows, regarding the declaration to be made under Section 3 of the Naturalization Act, 1870, by British subjects naturalized in the United States of America, in order to renounce their status as naturalized American citizens and to resume British nationality :—

WHEREAS by Section 3 of the Naturalization Act, 1870, it was provided as follow :—

"When Her Majesty has entered into a Convention with any foreign State to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such Convention has been entered into by Her Majesty; and from

and after the date of such Order in Council any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the Convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

" A declaration of alienage may be made as follows, that is to say—if the declarant be in the United Kingdom, in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any Judge of any Court of Civil or Criminal Jurisdiction, of any Justice of the Peace, or of any other Officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any Officer in the Diplomatic or Consular Service of Her Majesty."

And whereas, in pursuance of the said section, Her Majesty entered into a Convention with the United States of America which was signed at London, May 13th, 1870, and the ratifications of which were exchanged at London, August 10th, 1870, to the following effect:—

" Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America being desirous to regulate the citizenship of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, and of citizens of the United States of America who have emigrated or who may emigrate from the United States of America to the British dominions, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say—

" Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon'ble George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Hon'ble Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Hon'ble Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

" and the President of the United States of America, John Lothrop Motley, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty;

" who after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

" ARTICLE I.

" British subjects who have become, or shall become, and are naturalized, according to law within the United States of America, as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

" Reciprocally, citizens of the United States of America who have become, or shall become, and are naturalized, according to law within the British dominions, as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

" ARTICLE II.

" Such British subjects as aforesaid, who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May 1870.

" Such citizens of the United States as aforesaid, who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization, and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present Convention.

" The manner in which this renunciation may be made and publicly declared, shall be agreed upon by the Governments of the respective countries.

" ARTICLE III

" If any such British subject as aforesaid, naturalized in the United States, should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application, and on such conditions as that Government may think fit to impose,

re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

"In the same manner, if any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States' Government may, on his own application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

"ARTICLE IV.

"The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

"In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

"Done at London the thirteenth day of May in the year of our Lord one thousand eight hundred and seventy.

"(L. S.) CLARENDON.
"(L. S.) JOHN LOTHROP MOTLEY."

AND WHEREAS a further Convention, supplementary to the foregoing Convention, was signed at Washington, February 23rd, 1871, (the ratifications being exchanged at Washington, May 4th, 1871), and was to the following effect:—

"Whereas by the second Article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from dominions of the one to those of the other party, signed at London on the 13th of May 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the Governments of the respective countries; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a Supplemental Convention and have named as their Plenipotentiaries, that is to say, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Hon'ble Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and the President of the United States of America, Hamilton Fish, Secretary of State, who have agreed as follows:—

ARTICLE I.

"Any person being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may at any time before August 10th, 1872 and any British subject, who at the date first aforesaid had been naturalized as a citizen within the United States, may at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing substantially in the form hereunto appended, and designated as Annex A.

"Such renunciation by an original citizen of the United States of British nationality shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any Court authorized by law for the time being to admit aliens to naturalization, or before the Clerk or Prothonotary of any such Court; if the declarant be beyond the territories of the United States, it shall be made in duplicate before any Diplomatic or Consular Officer of the United States. One of such duplicates shall remain of record in the custody of the Court or Officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

"Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a Justice of the Peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any Judge of

Civil or Criminal Jurisdiction, of any Justice of the Peace, or of any other Officer for the time being authorized by law in the place in which the declarant is, to administer an oath for any judicial or other legal purpose, if out of Her Majesty's dominions, in triplicate, in the presence of any Officer in the Diplomatic or Consular Service of Her Majesty

"ARTICLE II

"The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who within their respective dominions and territories, or before their Diplomatic and Consular Officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the time and places of their naturalization, as they may have furnished.

"ARTICLE III

"The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

"In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

"Done at Washington the twenty-third day of February in the year of our Lord one thousand eight hundred and seventy-one.

"(L. S.) EDWARD THORNTON.

"(L. S.) HAMILTON FISH.

"ANNEX A.

"I, A. B., of (*insert abode*), being originally a citizen of the United States of America (*or a British subject*), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (*or as a citizen within the United States of America*) do hereby renounce my naturalization as a British subject (*or citizen of the United States,*) and declare that it is my desire to resume my nationality as a citizen of the United States (*or British subject*).

"(Signed) A. B.

"Made and subscribed before me in (*insert country or other subdivision, and state, province, colony, legation, or consulate*) this day of 187 .

"(Signed) E. F.,

"*Justice of the Peace* (*or other title*).

"(L. S.) EDWARD THORNTON.

"(L. S.) HAMILTON FISH.

AND WHEREAS by an Order made by Her Majesty in Council, 17th August 1870, it was ordered as follows —

"*At the Court of Windsor, the 17th day of August* 1870.

"PRESENT

"The Queen's Most Excellent Majesty in Council.

"Whereas by 'The Naturalization Act, 1870,' it is enacted that where Her Majesty has entered into a Convention with any foreign State, to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty by Order in Council to declare that such Convention has been entered into by Her Majesty, and from and after the date of such Order in Council, any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the Convention, make a declaration of alienage; and from and after the date of his so making such declaration, such person shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid. And whereas, on or about the thirteenth day of May last past, a Convention between Her Majesty and the President of the United States of America was duly signed at London, the ratifications whereof were duly exchanged at London, the tenth day of August instant, whereby the subjects or citizens of the United States of America who have been naturalized as British subjects are at liberty to renounce their naturalization, and divest themselves of their status as such British subjects, provided

that such renunciation be publicly declared within two years after the exchange of the ratifications of the said Convention. Now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth hereby declare that Her Majesty has entered into a Convention with the said United States of America, to the effect that the subjects or citizens of those States who have been naturalized as British subjects may divest themselves of their status as such subjects."

Now, this is to notify that all British subjects who have become and are naturalized, according to the law within the United States of America, as citizens thereof, may renounce such naturalization and resume their British nationality, provided that such renunciation be made before the 12th day of May 1872.

The renunciation is to be made in the following form :—

I., A. B. (*insert abode*), being originally a British subject and having become naturalized as a citizen within the United States of America, do hereby renounce my naturalization as a citizen of the said United States, and declare that it is my desire to resume my nationality as a British subject.

(Signed) A. B.

Made and subscribed before me in (*insert country or other sub-division, and state, province, colony, legation, or consulate*) this day of 187 .

(Signed) E. F.,

Justice of the Peace (*or other title*).

This declaration must be made as directed in Section 3 of the said Naturalization Act, 1870, hereinbefore recited.

It is further notified that although by the above-recited Convention of the 23rd day of February 1871 it is provided that American citizens who have been naturalized as British subjects should make the declaration of renunciation before an United States' Court of Justice or Diplomatic or Consular Officer of the United States, it is necessary, nevertheless, in order to comply with the terms of the said section three, that such declaration be also made before one of the Officers mentioned in the said section.

It is further notified that no fee will be levied for receiving the declaration hereinbefore mentioned. The said declarations are to be made in triplicate,—one copy is to be delivered to the declarant, one is to be retained in the archives of the *Officer* before whom the declaration is made, and one is to be transmitted to the Secretary to the Government of India in the Foreign Department.

No. 635*P*.—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Michele Leone Hernandez as Consul for Italy at Rangoon, with jurisdiction over Arracan, Pegu and Tenasserim.

GENERAL.

The 9th March 1872.

No. 471*G*.—Captain E. R. C. Bradford, Political Agent in Baghelkund, is granted one month's leave of absence from the 10th instant, or from the subsequent date in March on which he may avail himself thereof, to enable him to appear before a Medical Board at Bombay, preparatory to applying for furlough to Europe on medical certificate.

The 13th March 1872.

No. 517*G*.—Major A. C. Hay, Superintendent of the Nagar Division, Mysore Commission, is granted one month's subsidiary leave of absence from the 1st April 1872, to enable him to proceed to Madras, preparatory to embarkation for Europe on the two years' furlough granted by the Madras Government in G. O. dated 30th January 1872.

C. U. AITCHISON,

Secretary to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 15th March 1872.

No. 1972.—Mr. E. M. Palmer is appointed to officiate as an Assistant to the Comptroller General, and to be an Auditor of the Accounts of the Administrator General of Bengal from the 9th instant inclusive.

No. 1981.—Mr. F. M. Bland, Assistant to the Comptroller General, availed himself on the afternoon of the 8th instant of the leave granted to him on the 7th idem.

EXPENDITURE.

ADMINISTRATION AND PUBLIC DEPARTMENTS

The 12th March 1872.

No. 1819.—The Governor General in Council is pleased to abolish the office of Assistant to the Secretary to the Government of India in the Financial Department, and accordingly to sanction the reduction from thirteen to twelve of the number of officers in the fifth class of that Department. With this reduction the sanctioned complement of classified officers in the Department will be as shown in the margin, and the schedule showing how the offices in the Department should be ordinarily distributed among the first five classes, will stand as shown below :—

First Class	6
Second " ..	... 7
Third " ...	.. 10
Fourth " ...	.. 10
Fifth "	. 12
Sixth " ...	... 9
TOTAL	54

FIRST CLASS,—SIX OFFICES.

Accountants General and Commissioners of the Department of Issue of the Government Paper Currency in Madras and Bombay; Accountant General, Bengal; Accountant General, North-Western Provinces, and Deputy Commissioner of Paper Currency, Allahabad Circle; and two of the following three offices, *viz.*, Deputy Comptroller General, Inspector of Local Offices of Account, and Assistant Secretary to the Government of India.

SECOND CLASS,—SEVEN OFFICES.

Deputy Comptroller General, Inspector of Local Offices of Account, or Assistant Secretary to the Government of India; Accountant General, Punjab, and Deputy Commissioner of Paper Currency, Lahore Circle; Accountant General, British Burmah; Deputy Accountants General in Madras, Bombay, Bengal, and North-Western Provinces.

THIRD CLASS,—TEN OFFICES.

Assistant Comptroller General; Deputy Accountant General, Central Provinces, and Deputy Commissioner of Paper Currency, Nagpore Circle; Deputy Accountants General in Mysore, Hyderabad, and the Punjab; Assistant Accountants General in Madras and Bombay; Assistant Commissioners of Paper Currency in Calcutta and Bombay; one Assistant to the Comptroller General.

FOURTH CLASS,—TEN OFFICES.

Personal Assistant to the Financial Member of the Governor General's Council; Assistant Accountant General, North-Western Provinces; three Assistants to the Comptroller General; one Assistant to the Accountant General, Madras; one Assistant to the Accountant General, Bombay; one Assistant to the Accountant General, Bengal; Assistant to the Head Commissioner of Paper Currency in Calcutta; Assistant to the Commissioner of Paper Currency, Bombay.

FIFTH CLASS,—TWELVE OFFICES.

Two Assistants to the Comptroller General; Assistants to Accountants and Deputy Accountants General, as follows :—

In Bengal, the North-Western Provinces, and the Punjab, two each. In Madras, Bombay, British Burmah, and the Central Provinces, one each.

LEAVE AND ALLOWANCES.

The 13th March 1872.

No. 1835.—The following extract from a Resolution No 4806, recorded in this Department on the 31st October 1871, is published for general information :—

> "The Governor General in Council is pleased to empower local Governments to lay down rules for the grant to Uncovenanted Servants of leave of absence for the purpose of attending examinations, provided that the rules prescribed are not more liberal than those sanctioned for Covenanted Officers."

2. In the above extract, the term "local Governments" includes local Administrations.

No. 1932.—Mr. G. H R. Hart, Officiating Personal Assistant to the Financial Member of the Governor General's Council, is allowed privilege leave for three months.

The 14th March 1872.

No. 2008.—In supersession of existing rules regarding leave of absence from duty to public servants in the Civil Department, the Governor General in Council is pleased to direct the publication of the following Civil Leave Code.

As regards Covenanted Civil Servants, no change is made, except that it is expressly laid down that no officer can have "ordinary" furlough if he have rendered less than three years' service; a restriction which, in the rules of 1868, was only implied.

As regards Uncovenanted Servants, the Code includes the recent orders of the Secretary of State, published in the *Gazette of India* of the 17th February last, but the following changes have been made in the original form of the rules :—

Sections of the proposed rules	*Change*
IV.	The qualification is three years' service, and not three years' "active" service.
VIII (*b*).	The restriction in the last sentence is omitted.
IX.	Special leave without allowances is not reckoned as leave taken, in calculating the amount of furlough due.
	An officer is entitled to allowances during his second special leave for any period by which his first may have fallen short of six months.
XXI.	The additional week at the end of furlough is not admitted.
XXII.	Leave on medical certificate without allowances is not reckoned as furlough taken.

One or two of the subsidiary rules are slightly altered, *e. g.*, 24, 9; and a few rules regarding procedure, which were not in the first Code, have been inserted; and a proviso has been added in section 6 (*b*).

The new rules for the Uncovenanted Service shall be deemed to have come into effect on the 3rd January 1871, being the day on which the despatch of the Secretary of State, No. 451, dated 6th December 1871, was received.

Officers who have taken leave since the 3rd January 1871 may apply for any additional allowances to which, by the rules now published under the orders of the Secretary of State, they may be entitled. But no reductions are to be made in the allowances of officers now on leave, in consequence of the leave allowances being calculated on "average salary" instead of on pay.

THE CIVIL LEAVE CODE.

CHAPTER I.—PRELIMINARY.

" II.—DEFINITIONS.

" III.—FURLOUGH.

" IV.—SPECIAL LEAVE OF ABSENCE.

" V.—SUBSIDIARY LEAVE OF ABSENCE.

" VI.—PRIVILEGE LEAVE OF ABSENCE.

" VII.—EXAMINATION LEAVE OF ABSENCE.

" VIII.—JOINING TIME.

" IX.—EXTENSION AND COMMUTATION OF LEAVE.

" X.—PAYMENT OF LEAVE-ALLOWANCES.

" XI.—LAST-PAY CERTIFICATE.

" XII.—RETURN TO DUTY.

" XIII.—APPLICATIONS FOR LEAVE.

SCHEDULE A.—OF UNCOVENANTED OFFICERS TO WHOM THE NEW RULES APPLY.

APPENDIX.—FORMS FOR LAST-PAY CERTIFICATE.

SUPPLEMENT A.—LIEUTENANT GOVERNORS

" B.—MEMBERS OF COUNCIL.

" C.—JUDGES OF THE HIGH COURTS, &c.

" D.—LAW OFFICERS.

" E.—CHAPLAINS.

" F.—UNCOVENANTED OFFICERS GENERALLY.

THE CIVIL LEAVE CODE.

CHAPTER I.

PRELIMINARY.

Extent of Application.

Section 1.—LEAVE of absence from duty may be granted under the rules in this Code—

Covenanted Servants

(*a*), to all Covenanted Civil Servants of the Crown in India, except—

Lieutenant-Governors;

Ordinary Members of the Council of the Governor General, or of the Governor of Madras or Bombay;

Judges of the High Courts;

Uncovenanted Servants

(*b*), to all Uncovenanted Civil Servants of the classes enumerated in Schedule A, who either have been, or may hereafter be, appointed to the service of the Government of India by, or with the special sanction of, Her Majesty's Secretary of State for India, or who may be specially admitted to the benefit of these rules.

Servants under contract

1. Servants under contract are not entitled to leave except in accordance with the terms of their contract. But if a servant of the class defined in clause (*b*) of this section is, by the terms of his contract of service, entitled to leave under the Uncovenanted Service Leave Rules, the rules referred to shall be held to be the rules in this Code.

Section 2.—Leave of absence from duty may be granted under the rules in the Supplements to this Code—

(*a*), to the officers excepted under Section 1 (*a*), (Supplements A, B, & C);

Barrister Judges

(*b*), to the following officers, being barristers-at-law, or advocates of one of the High Courts of India, or of the Court of Session of Scotland, viz.,—

Judges of the Chief Court of the Panjab;

First Judges of Small Cause Courts of Presidency Towns;

Recorder of Rangún;

Secretary to the Council of the Governor General for making Laws and Regulations;

(Supplement C).

(*c*), to Law Officers of Government (Supplement D).

Chaplains

(*d*), to Chaplains (Supplement E);

Uncovenanted Servants

(*e*), to Uncovenanted Servants other than those mentioned in Section 1 (*b*), (Supplement F).

Discretion of Government

Section 3.—Leave of absence can never be claimed absolutely, as of right. Nothing in these rules must be understood to limit the free discretion of the Government to refuse or revoke leave of absence of any description, at any time, according to the exigencies of the public service.

(1). If a Local Government, under this Section, refuse furlough to an officer of the Bengal Covenanted Civil Service, it should report the refusal for the sanction of the Government of India in the Home Department.

CHAPTER II.

DEFINITIONS.

Section 4.—In these rules—

(*a*) "Active service" includes, besides time spent on duty:— Active Service

(1.) Privilege leave of absence.

1. "Privilege leave" includes the corresponding leave, (then called "short leave on private affairs" and "leave on private affairs"), under the Covenanted Service Leave Rules in force before the 1st July 1868.

(2). Subsidiary leave of absence.

1. "Subsidiary leave" includes the corresponding leave, (then called "special leave") under the Covenanted Service Rules in force before the 1st July 1868; and also preparatory leave under the Uncovenanted Service Leave Rules.

In the case of Covenanted Civil Servants, it includes also—

(3). The interval between the date of an officer's first arrival in India and the date on which he joins his first appointment.

1. The date of an officer's first arrival in India is held to have been as follows:— Arrival in India.

Before the 31st January 1868,—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive,—the date on which he reported his arrival at the capital town of the Presidency to which he was attached; or if he was attached to the North-West Provinces, the Panjab, or Oudh, and had permission to come to India *viâ* Bombay, the date on which he reported his arrival at Bombay.

On and after the 5th May 1869,—the date on which he reports his arrival either at the seat of the Government to which he is attached, or at any other station to which he is ordered, or permitted to proceed direct.

2. If an officer does not join his first appointment within the joining time allowed him, the interval between the end of such joining time and the date on which he actually joins, is not active service.

(4). Time passed in India, out of employ, on subsistence allowance, but not on furlough.

1. If a Covenanted Civil Servant on his first arrival in India is unable, from illness, to proceed to the seat of the Government to which he is attached, or to any other station to which he is ordered, the local Government in whose jurisdiction he is, may, on medical certificate, grant to him a subsistence allowance of Rs. 250 a month, for not more than two months. Time thus spent is not active service.

(5). Leave of absence within the limits of the East India Company's Charter, which counted as service and residence under the Covenanted Service Leave Rules in force before the 8th June 1855.

(6). Leave of absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also "active service;" provided that not more than twelve months can be so reckoned to any officer.

2. One year of leave of absence on medical certificate was reckoned as "residence" under the Covenanted Service Leave Rules in force before the 1st July 1868, but is not "active service."

(*b*) "Extraordinary leave" means leave of absence granted otherwise than under the rules in this Code or its Supplements. Extraordinary leave.

Example. Leave in extension of the three years admissible under Section 7.

Continuous service

(*c*) "Continuous service" and "continuous active service" mean the service, and active service, of an officer since his last return from leave of the following kinds, namely :—

in the case of a Covenanted Civil Servant, furlough or extraordinary leave, lasting more than three months ;

in the case of an Uncovenanted Civil Servant, furlough special leave, or extraordinary leave, whether more or less than three months ;

or, if he have not had such leave, since the beginning of his active service.

No leave can be included in continuous service, except—

in the case of a Covenanted Civil Servant, privilege leave and special leave.

in the case of an Uncovenanted Civil Servant, privilege leave.

1. Examination leave may also be included, unless the officer have already had twelve months such leave.

Pay and salary

(*d*) "Pay" means substantive pay. The term includes also the subsistence allowance of a Covenanted Civil Servant who has an officiating, but not a substantive appointment. "Salary" is the sum of pay and acting allowance.

1. Personal allowance is, for the purposes of this Code, to be taken as part of an officer's substantive pay.

2. "Salary" does not include house-rent, tentage, or travelling allowances, whether daily, monthly, or annual; nor does it include "local allowances," which are paid in full to the officer performing the duty for which they are given, no part being allowed to an absentee.

Local Government

(*e*) "Local Government" includes a Department of the Government of India, a Chief Commissioner, and the Resident at Hydarabad.

CHAPTER III.

FURLOUGH.

Aggregate admissible

Section **5**.—The amount of furlough admissible to a Covenanted Civil Servant, and the aggregate amount of furlough and of special leave with allowances, admissible to an Uncovenanted Civil Servant, is limited to six years. All the rules in the Code are subject to this limitation.

Explanation.—The following leave under other rules is counted as furlough under this Section :—

In the case of a Covenanted Civil Servant,—furlough, and leave with allowances on medical certificate, under former rules.

In the case of an Uncovenanted Civil Servant,—furlough, leave with allowances on medical certificate, and leave on private affairs, under former rules or under the rules in Supplement F of this Code.

Section **6** (*a.*)—The amount of furlough "earned" by an officer is one-fourth of his active service.

Proviso.—Provided that, in making this calculation for an Uncovenanted Civil Servant, only half of the active service rendered by him in offices other than those included in Schedule A, shall be taken into account.

1. The whole of the active service rendered while officiating in any of the offices included in Schedule A, is to be taken into account.

(*b.*) The amount of furlough "due" to an officer is the amount which he has earned, diminished by— Amount due

First, in the case of a Covenanted Civil Servant,—

(1) the amount of furlough which he has enjoyed under these or any former rules, except junior furlough under the rules in force before the 8th June 1855;

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former rules.

Secondly, in the case of an Uncovenanted Civil Servant,—

(3) the amount of furlough or special leave with allowances which he has enjoyed under these or any other rules;

(4) the amount of leave on private affairs or on medical certificate with allowances which he has enjoyed under the rules formerly applicable to him.

1. Leave of the kind described in Section 4 (*a* 5) is not counted against an officer under this section, or under Section 5.

Proviso.—Provided that if more than two years' furlough be due to an Uncovenanted Civil Servant when he is first admitted to the benefit of these rules, the excess shall be cancelled.

Section 7 (*a.*)—To an officer who has rendered three years' continuous service, furlough for not more than two years may be granted as follows:— Amount admissible after 3 years' service

First, on medical certificate,—unconditionally;

See Section 25, Rule 2.

Secondly, without medical certificate,—subject to these provisos—

(1) that the furlough be due to him;

(2) that he have rendered eight years' active service;

(3) that the whole number of officers absent on furlough and special leave do not exceed the limit appointed by the Government of India.

1. Except on medical certificate, or on very urgent private affairs, furlough or special leave may not be granted to a Covenanted Civil Servant in Oudh, the Central Provinces, British Burmah, Ajmír, Mysore and Coorg, and the Berars, if one-fifth of the whole number of officers, Covenanted, Military, and Uncovenanted, serving in the same Commission, are already absent on furlough or special leave. In other Local Governments, it may not be granted, if one-fifth of the whole number of Covenanted Civil Servants serving under the orders of the same Local Government are already absent on furlough or special leave. Limit.

(*b.*) Furlough granted under this section may, on medical certificate, be extended to not more than three years.

Section 8 (*a.*)—To an officer who has not rendered three years' continuous service, furlough for not more than one year may be granted on medical certificate. After less than 3 years' service

(*b.*) Furlough granted under this section for less than one year may, on medical certificate, be extended to not more than one year.

Section 9 (*a.*)—An officer on ordinary furlough has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay. Lien.

Explanation.—Ordinary furlough includes— Ordinary furlough.

(1) the first two years of each separate period of furlough under Section 7;

(2) so much of furlough under Section 8 as may be due, provided the officer have rendered six months' continuous active service.

Other furlough

(*b.*) On other furlough a Covenanted Civil Servant has no lien, but an Uncovenanted Civil Servant has a lien.

1. An officer may not surrender his lien; and a local Government may not fill up substantively an appointment on which an officer has a lien without transferring the officer to another substantive appointment of not less pay. The saving which accrues to the State by paying acting allowances, instead of substantive, must be carefully secured as a set-off against the cost of leave allowances.

2. An officer may have a lien on an appointment without having actually joined it.

3. An officer on furlough has no claim to substantive promotion; but there is no objection to such promotion.

4. An officer on furlough has no lien on an acting appointment.

ALLOWANCES
On ordinary furlough

Section **10** (*a.*)—An officer on ordinary furlough is entitled, subject to the limitations prescribed in clauses (*b*) and (*c*) of this section, to a leave allowance equal to half the average salary which he has earned during so much of his continuous active service as is within the three years preceding the day on which he gives up office.

Provided that subsidiary leave shall not be included in active service under this section, nor periods during which an officer has been out of employ in India, otherwise than as a penalty for misconduct.

Limits

(*b.*) The maximum leave allowance of a Covenanted Civil Servant on ordinary furlough is, if paid at the Home Treasury of the Government of India, £250 a quarter, and if paid in India, Rs. 833⅓ a month. The minimum is, if paid at the Home Treasury, £125 a quarter, or his last salary, whichever is less, and if paid in India, Rs. 416⅔ a month, or his last salary, whichever is less.

(*c.*) The maximum leave allowance of an Uncovenanted Civil Servant on ordinary furlough is, if paid at the Home Treasury of the Government of India, £200 a quarter, and if paid in India, Rs. 666⅔ a month. There is no minimum limit.

1. An officer on furlough does not forfeit his past leave allowance by resigning the service without returning to India.

On other furlough.

Section **11**.—An officer on furlough, other than ordinary, is entitled, if a Covenanted Civil Servant, to subsistence allowance, and if an Uncovenanted Civil Servant, to £120 a quarter paid at the Home Treasury, or Rs. 400 a month paid in India, or to one quarter of the average salary defined in Section 10 (*a*), whichever is less.

Subsistence allowance

1. The following are the rates of subsistence allowance for Covenanted Civil Servants:—

To an officer of not more than eight years' actual residence in India	Rs. 250 a month.
To an officer of more than eight, but less than twelve years' actual residence in India	„ 320 „
To an officer of twelve or more years' actual residence in India	„ 400 „

CHAPTER IV.

SPECIAL LEAVE OF ABSENCE.

Section **12**.—Special leave on urgent private affairs may be granted at any time, for not more than six months : Amount admissible.

Provided that an officer who has had special leave, must render six years' active service before he can again have such leave.

1. The corresponding leave under the Covenanted Service Leave Rules in force before the 1st July 1868, is "special leave" within the meaning of this proviso.

Section **13**.—An officer on special leave has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay. Lien

See Rules under Section 9.

Section **14** (*a*.)—For the first six months for which an officer is on special leave, whether the six months be included in the same leave or not, he is entitled to the leave allowance admissible under Section 10. Allowances

(*b*.)—Thereafter he is entitled to no leave allowance.

1. The corresponding leave under the rules in force before the 1st July 1868 is "special leave" within the meaning of this section.

CHAPTER V.

SUBSIDIARY LEAVE OF ABSENCE.

Section **15** (*a*.)—Furlough and special leave, out of India, begin on, and include, the date of the departure of the vessel in which the officer sails; and to an officer taking such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day on which he gives up office, to the day before that on which his furlough or special leave begins. AMOUNT ADMISSIBLE

(*b*.)—Furlough and special leave, out of India, end on, and include, the date of the arrival of the vessel in which the officer returns; and to an officer coming back from such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted, from the day after that on which the vessel arrives, to the day before that on which he assumes the office to which he may be appointed.

1. Subsidiary leave may be granted to a Covenanted Civil Servant retiring from the service, to the same extent, and with the same allowances, as if he were going on furlough. To an Uncovenanted Civil Servant, such leave may be given on half pay for fourteen days, but only if it cause no additional expense to the State.

2. Subsidiary leave for more than thirty days may be granted in cases of necessity; but all such grants, and the reasons for them, must be reported to the Government of India.

3. An officer may leave India, or return to India, by any port he likes; but the dates by which the beginning and end of furlough and special leave are determined, are the date of the vessel's departure from the port where he first meets it, and arrival at the port where he quits it. For instance, an officer sailing from Calcutta in a vessel which touches at Madras, counts by the date of departure from Calcutta, and not from Madras. Port of embarkation

4. The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

Reports required

5. An officer quitting India after subsidiary leave must report his departure to the Local Government which granted him the leave; and he must report his arrival in England to the Secretary of State.

Explanation.—An officer may take furlough or special leave partly in, and partly out of, India. But subsidiary leave is not admissible under clause (*a*) of this section, unless the furlough or special leave begins as furlough or special leave out of India; nor under clause (*b*), unless it ends as furlough or special leave out of India.

1. If an officer remains in India after the end of subsidiary leave under clause (*a*), his furlough or special leave will be held to have begun as furlough or special leave in India, and will be counted from the day on which he gave up office.

LIEN

Section **16**. (*a.*)—An officer on subsidiary leave under clause (*a*) of Section 15 has, or has not, a lien on an appointment according as he has, or has not, such lien on the first day of the leave to which it is subsidiary.

(*b.*)—An officer on subsidiary leave under clause (*b*) of Section 15 has, or has not, a lien on an appointment according as he has, or has not, such lien on the day last preceding the subsidiary leave.

ALLOWANCES

Section **17**. An officer on subsidiary leave is entitled to allowances as follows:—

Ordinary furlough.

(*a*) If the leave immediately following, or immediately preceding, the subsidiary leave be ordinary furlough, or if it be special leave, and the officer have not had leave subsidiary to a former special leave,—the allowance admissible under Section 10, but calculated, in the case of a Covenanted Civil Servant, without limitation of maximum or minimum.

Other furlough

(*b*) If the leave immediately following, or immediately preceding, the subsidiary leave, be furlough other than ordinary, —the allowance admissible under Section 11.

Special leave

(*c*) If the leave be subsidiary to special leave, and the officer have had leave subsidiary to a former special leave,—no allowance.

(*d*) If the officer, under Section 24, have ceased to have a lien on a substantive appointment,—subsistence allowance in the case of a Covenanted Civil Servant, and no allowance in the case of an Uncovenanted Civil Servant.

1. The corresponding leave under the Covenanted Service Rules in force before the 1st July 1868 is special leave within the meaning of this section.

Privilege leave allowances

2. An officer may draw allowances as if he were on privilege leave, for any part of his subsidiary leave under clause (*a*) of Section 15, for which, if he were not going on furlough or special leave, privilege leave would be admissible to him.

CHAPTER VI.

PRIVILEGE LEAVE OF ABSENCE.

AMOUNT ADMISSIBLE

Section **18**.—Privilege leave may be granted as follows:—

After eleven months' uninterrupted duty,—for not more than one month.

After twenty-two months' uninterrupted duty,—for not more than two months.

After thirty-three months' uninterrupted duty,—for not more than three months.

1. To Uncovenanted Judicial and Educational Officers, whose duties are not continuous, and who enjoy regular vacations, during which they are allowed to be absent from duty, privilege leave is not admissible except in case of urgent necessity. Officers who have vacations

2. The Local Government may, with the sanction of the Government of India, impose similar restrictions in the case of Covenanted Officers.

3. Before privilege leave can be granted to an officer, he must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on private affairs or medical certificate, within three months of his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave within the three months, he should, if he does so, explain fully his change of mind. Declaration required

4. Time spent on subsidiary leave does not qualify for privilege leave. But if an officer returning from leave be, solely for the convenience of the Local Government, and not for any fault of his own, prevented from joining an appointment on which he has a lien, or if he be kept out of employ on subsistence allowance, then duty qualifying for privilege leave begins on the day on which he presents himself to the Local Government ready for duty. Qualification

5. When an officer is first appointed to the public service, duty qualifying for privilege leave does not begin until he takes charge of a particular office.

6. "Examination-leave" may, if the examination for which it was granted be successfully passed, count as duty qualifying for privilege leave, unless the officer have already had twelve months' such leave.

7. Suspension as a penalty for misconduct is an interruption of duty within the meaning of this section.

8. If an officer remains absent after the end of examination-leave or of joining-time, the period of absence cannot count as duty qualifying for privilege leave, and unless the absence is accounted for to the satisfaction of the Local Government, it is an interruption of duty within the meaning of this section.

Section 19. (*a*).—If less than the whole amount of privilege leave admissible under Section 18 be at first granted, the rest may be granted afterwards, either at one time, or in instalments: Instalments

Provided that no privilege leave may be granted under this clause after less than six months' uninterrupted duty.

1. Officer absent on privilege leave has been recalled to duty on public grounds, the next instalment of the leave may be granted without reference to this proviso.

(*b*) Duty qualifying for fresh privilege leave begins at the end of the leave first granted; and further leave under clause (*a*) of this section, though not counting as duty, does not interrupt duty for fresh privilege leave.

(*c*) Fresh privilege leave, if admissible under Section 18, may be granted in combination with leave under clause (*a*) of this section:

Provided that no length of duty can, under any circumstances, qualify for more than three months' privilege leave.

Section 20.—An officer on privilege leave has a lien on his substantive appointment. He has also a lien on his officiating appointment, so long as it is not resumed by an officer having a superior lien on it. LIEN.

ALLOWANCES

Section **21.**—An officer on privilege leave is entitled to a leave allowance equal to the pay or salary which he would earn if he held or officiated in the appointment on which he has a lien.

1. If privilege leave is granted to an officer who holds an appointment sanctioned only for a limited time, and for a special purpose, he is not entitled, during privilege leave, to any special allowance attached to the appointment.

Acting allowances

2. If an officer on privilege leave obtains officiating promotion which, were he on duty, would, without involving any increase or change of duties or responsibility, entitle him to acting allowance or increased acting allowance, he is entitled to the acting allowance, or increased acting allowance, from the date of such promotion.

3. An officer on privilege leave is entitled to acting allowance, even though another officer be appointed to act for him.

4. If an officer, who has been temporarily promoted from a lower to a higher officiating appointment, takes privilege leave on being relieved of the latter, and the Local Government declares that, on being so relieved, he has reverted to the lower officiating appointment, his allowances on leave shall be calculated as if he had rejoined it.

House-rent.

5. In Bombay, an officer on privilege leave may draw the house-rent or tentage attached to his appointment, if he places his house or tent at the disposal of the officer, if any, who officiates for him. The officiating officer cannot draw the house-rent or tentage attached to the same appointment. But if the officiating officer, for a reason which the Local Government considers sufficient, refuses the accommodation placed at his disposal, the allowance is to be drawn by him and not by the absentee.

CHAPTER VII.

EXAMINATION LEAVE OF ABSENCE.

Examination leave

1. A Covenanted Civil Servant, who is a candidate for one of the rewards offered for the study of Oriental Languages, may be allowed leave for one month for the purpose of being examined.

2. If he pass the examination, he may be allowed similar leave for another month.

3. An officer on examination-leave has a lien on his appointment (substantive or officiating), and is entitled to leave allowance, as if he were on privilege leave.

CHAPTER VIII.

JOINING-TIME.

[The rules in this Chapter apply to all officers in civil employ.]

1. Joining-time is the time allowed to an officer to proceed from one station to another when his appointment is changed, or when, being unemployed, he is appointed to any office. An officer is held to be on duty during joining-time, if he is entitled to allowances.

Amount admissible.

2. Joining-time is allowed as follows:—

For that part of the route for which railway is available,—one day for every hundred miles.

For that part of the route for which steamer is available,—one day for every hundred miles, or such longer time as the steamer may actually occupy.

Where neither railway nor steamer is available,—one day for every ten miles.

And six days in addition to the whole thus calculated.

Sundays are excluded in the calculation of joining-time.

3. The full joining-time is allowed only if it is spent *bonâ fide* in preparation for the journey or in progress from one station to another; and no more than three months may be given under any circumstances. The Government also, which orders a transfer, may limit the duration of joining-time.

When leave intervenes.

4. When an officer, after giving over charge of his office at one station on transfer or reversion to another, takes privilege or examination-leave before joining the office to which he has been transferred, or to which he has reverted; or when an officer, while on privilege or examination-leave, is transferred to a station other than that from which he took leave,—he is entitled to joining time in addition to his privilege or examination-leave. The joining-time of an officer transferred during privilege or examination-leave, will be counted from his old station, or from the place where he received the order of transfer, whichever is nearer to his new station.

5. An officer, the head quarters of whose office are not fixed at one station, must, on the expiry of leave, rejoin his office wherever either the head quarters of the office or his *locum tenens* may actually be, provided that the Government or other authority by whom the leave was granted, may, for any public reason, permit or require the officer to rejoin elsewhere.

6. If an officer, during transit from one appointment to another, obtains furlough on medical certificate (with or without subsidiary leave prefixed), he will be allowed only the joining-time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

Allowances.

7. Except in the case mentioned in the next rule, an officer draws during joining-time the following allowances :—

(*a*) First, as regards pay,—

the pay which he drew in his old appointment, or that which he draws in his new, whichever is less.

(*b*) Second, as regards acting allowance :—

(1) if transferred from an officiating appointment to an appointment, officiating or substantive, of not less salary,—the acting allowance of his old appointment;

(2) if, after being promoted from a lower to a higher officiating appointment with retention of lien on the lower one, he is relieved of the higher and returns to the lower officiating appointment, or to another appointment, officiating or substantive, of not less salary,—the acting allowance of the lower officiating appointment:

(3) Provided that no officer can draw acting allowance for any appointment after any one having a superior lien on it has resumed it.

8. An officer who has no substantive appointment, and is not in the Covenanted Civil Service or the Army, is not entitled to any allowance during joining-time; but if such an officer, while officiating in an office, is transferred to another office in the same department, and under the same Local Government, the Local Government may allow him to draw, during his transit, the allowance to which he would be entitled under Rule 7.

Illustration.—A, who has no substantive appointment, but is officiating as Sub-Registrar of Assurances in Bardwan, is appointed to officiate as Deputy Magistrate and Deputy Collector in Rajshahye, and subsequently transferred to officiate as Deputy Magistrate and Deputy Collector in Patna, A is not entitled to any allowance during his transit from Bardwan to Rajshahye, but he may be allowed by the Local Government to draw, during his transit from Rajshahye to Patna, the allowance to which he would be entitled under Rule 7.

CHAPTER IX.

EXTENSION AND COMMUTATION OF LEAVE.

Extension and Commutation.

Section 22. Except as provided in Section 15, no kind of leave can be granted in continuation of any other kind; but any leave may be retrospectively changed for any other kind or amount of leave which might at first have been granted:

Provided that the grant, or extension of furlough, under this rule (otherwise than on medical certificate), is subject to Proviso 3 in Section 7 (*a*).

1. Except by the Secretary of State, leave cannot be changed or extended without the permission of the Local Government which originally granted it.

2. Examination-leave may be granted in continuation of privilege leave, but no kind of leave, except furlough on medical certificate, can be granted in continuation of examination-leave.

3. When privilege leave is, on medical certificate, retrospectively changed for furlough out of India, so much of the leave passed before the departure of the vessel in which the officer sails, may be treated as subsidiary leave under clause (*a*) of Section 15, as might have been granted as subsidiary leave, if the officer had originally obtained furlough, and not privilege leave.

CHAPTER X.

PAYMENT OF LEAVE ALLOWANCES.

[The rules in this Chapter apply to all officers in civil employ.]

Allowances how payable.

Section 23 (*a*). Leave allowances are payable in India after the end of each month; but an officer on furlough or special leave out of India may, at his option, take payment at the Home treasury of the Government of India.

1. An officer quitting India on furlough or special leave must take with him a last-pay certificate, whether he intends to draw his allowances in England or not. For rules, see next Chapter.

Treasury forms.

2. A gazetted officer may draw his allowances at any treasury in India. If he signs the bill himself, he must either appear in person at the place of payment, or must furnish a life-certificate by a Covenanted Civil Servant, a Magistrate, a Notary, a Banker, or a Minister of Religion. If he draws the allowances through an authorised agent, the agent must either furnish a life-certificate as above, or must execute a bond to refund over-payments. A life-certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life-certificate.

(Forms of life-certificate may be procured at the India Office, London).

3. A non-gazetted officer can draw his leave allowances only at the treasury whence his salary is disbursed, and under the signature of the head of the office to which he is attached; this officer is responsible for any over-charges, and no other security is required.

Exchange with England.

(*b*). If payment be taken at the Home treasury, it is made quarterly, and rupees are converted into sterling at the rate of exchange fixed, for the time being, for financial transactions between the Imperial and the Indian treasuries.

1. If an officer's contract of service contains a stipulation to the effect that "a pound sterling shall be considered equal to and calculated after the rate of ten rupees," his leave allowances shall be converted into sterling at that rate.

CHAPTER XI.

LAST-PAY CERTIFICATE.

(The rules in this Chapter apply to all officers in civil employ.)

Last-pay certificate.

1. No officer (unless he has been newly appointed to the service of Government), can begin to draw pay or allowances at any treasury in India or at the Home treasury of the Government of India, without producing a last-pay certificate from the treasury where his pay or allowances were last disbursed, or from the Accountant General within whose jurisdiction that treasury is.

2. An officer must, if possible, appear personally at the office where his last-pay certificate is completed.

3. The following are the rules and forms prescribed for the issue of last-pay certificates in India.

The cases in which these certificates are given are thus classified :—

Case I.—To an officer proceeding on leave to Europe and embarking at a port in the presidency or province in which he is employed;

Case II.—To an officer proceeding on leave to Europe and embarking at a port in another presidency or province;

(*a*) If he be employed at, or have to pass through, the station of the Accountant General of his presidency or province;

(*b*) If he be not employed at, and have not to pass through, that station ;

Case III.—To an officer proceeding on leave from one place in India to another, whether the two places are or are not within the same presidency or province ;

Case IV.—To an officer proceeding on duty from one presidency or province to another;

Case V.—To an officer proceeding on duty from one place to another in the same presidency or province.

The rules for each of these cases are as follows :—

CASE I.

Officer embarking in his own presidency.

The Accountant General should give the officer a certificate in Form A, Appendix B, and, save in the cases below excepted, forward a duplicate certificate, in the same form, to the Local Government for transmission to the Secretary of State.

Exceptions.—1. If the officer embark at a port in British Burmah, the Accountant General should forward the duplicate form direct to the Financial Department of the Government of India for transmission to the Secretary of State.

2. If the officer embark at Calcutta, the Accountant General should, in like manner, forward the duplicate form to the Financial Department after filling up the blanks in the pilot's certificate at its foot.

CASE II (*a*).

Officer embarking in another presidency.

The Accountant General should pay the officer* his allowances up to the date of his departure from his (the Accountant General's) station, and should give him a certificate in Form B, Appendix B, leaving the 5th, 7th, and 8th spaces blank, and send a duplicate, after signing the letter on the reverse, to the Accountant General, or (if there be no Accountant General) to the officer in charge of the treasury at the port at which the absentee intends to embark for Europe. The Accountant General or Treasury Officer at the port of embarkation should follow the instructions in the letter addressed to him, and return the original form to the officer. If he be an Accountant General, he should forward the duplicate to the Local Government for transmission to the Secretary of State, and address a letter in the Form E, Appendix B, to the Accountant General of the officer's presidency; but if he be a Treasury Officer, he should forward the duplicate to the Accountant General of his own presidency, who will forward it to the Local Government for transmission to the Secretary of State, and address a letter in the Form F, Appendix B, to the Accountant General of the absentee's presidency.

* The officer, if he be not employed at the Accountant General's station, should bring a last-pay certificate, in a form similar to Form M, from the officer in charge of the treasury where his salary was last disbursed.

CASE II (*b*).

The Accountant General should send to the officer a certificate in Form C, Appendix B, leaving the 5th, 7th, and 8th spaces blank, and forward a duplicate to the Accountant General or Treasury Officer at the port at which the officer intends to embark for Europe. Before the officer's departure from his station, the officer in charge of the treasury from which he last drew pay should fill up and attest the certificate at the end of the original Form C. The Accountant General or Treasury Officer at the port at which the officer intends to embark should follow the instructions in the letter to his address on the back of Form C, and after copying the entries and signature from the certificate at the end of the original form into the duplicate, should return the original form to the officer. If he be an Accountant General, he should forward the duplicate certificate to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the form to the Accountant General of the absentee's presidency, with a letter in the Form G, Appendix B; but if he be a Treasury Officer, he should forward the duplicate Form E to the Accountant General of his own presidency, who will send it to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the form to the Accountant General of the absentee's presidency, with a letter in the Form H, Appendix B.

But in the case of a Covenanted Civil Servant, or a Military Officer in civil employ, or an Uncovenanted Civil Servant of the class as specified in Section 1 (*b*) of the Code, if the officer's appointment have been changed within the period, on his average salary for which the leave allowance is to be calculated, the rate of leave allowance will sometimes depend on the date on which he may make over charge of his office, and the Accountant General may not be aware of that date at the time the last-pay certificate is prepared. In such cases, the Accountant General should send to the officer a document in the Form D, Appendix B, leaving the 5th, 6th, 8th, and 9th spaces on the face of the form blank, and should forward a duplicate of it to the Accountant General or Treasury Officer at the port at which the officer intends to embark. Before the officer's departure from his station, the officer in charge of the treasury from which he last drew pay should fill up the 6th space on the face of the original form, and fill up and attest the certificate at the end of that form. The Accountant General or Treasury Officer at the port at which the officer intends to embark should follow the instructions in the letter to his address on the back of the form, and having copied in the duplicate form the entry in the 6th space on the face of the original form and the entries and signature in the certificate at the end should return the original form to the absentee. If he be an Accountant General, he should forward the duplicate form to the Local Government for transmission to the Secretary of State, and send a copy of the certificate at the end of the form to the Accountant General of the absentee's presidency with a letter in the Form K, Appendix B; but if he be a Treasury Officer, he should forward the duplicate Form D to the Accountant General of his own presidency, who will send it on to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the Form D to the Accountant General of the absentee's presidency with a letter in the Form L, Appendix B.

CASE III.

Proceeding on leave to another place in India.

The Accountant General will give the officer a certificate in Form A, Appendix B; but if the officer is proceeding to a place within the same presidency or province, the tenth space in the form may be left blank.

CASE IV.

Proceeding on duty to another Province

The officer should obtain a certificate in the Form M, Appendix B. If he be employed at the station of the Accountant General of his presidency, the certificate should be given by that officer. If he have to pass through that station on his way to his new presidency, the certificate should be given by the officer in charge of the treasury from which he last drew pay and countersigned by the Accountant General. If he be not employed at, and have not to pass through, the Accountant General's station, the certificate should be given by the officer in charge of the treasury from which he last drew pay, and a duplicate of it should be forwarded by the Treasury Officer to the Accountant General for countersignature and transmission to the Accountant General of the transferred officer's new presidency.

CASE V.

The officer should obtain a last-pay certificate in Form M from the officer in charge of the treasury from which he last drew pay. To another place in the same Province.

CHAPTER XII.

RETURN TO DUTY.

Section **24**. An officer who remains absent after the end of his leave is entitled to no allowance for the period of such absence, and he ceases to have a lien on any appointment, if his leave was furlough, immediately, and, if it was special or privilege leave, after a week. Overstay of leave.

1. An officer on furlough or special leave in Europe may not return to India without obtaining the permission of the Secretary of State. Permission to return to duty

2. The grant by the Secretary of State to an officer on leave of permission to return to duty by a particular steamer, is equivalent to an extension of leave without prejudice to the officer's appointment until the date the steamer arrives.

3. A gazetted officer returning to duty must report his return to the Local Government. An officer of the Bengal Covenanted Civil Service returning from furlough must report his return to the Government of India also.

4. An officer permitted to return to duty before the end of his leave should have the unused part of his leave formally cancelled by the authority which granted it; but this is not necessary if his return from leave is separately notified in the Gazette.

5. The Local Government may exempt an officer from loss of appointment under this section, if it considers that his default was due to circumstances beyond his control.

6. If the appointment of an officer is changed during furlough or special leave out of India, or upon his reporting his return, he must join his new appointment within the subsidiary leave allowed him. Nothing in excess of the allowances admissible for subsidiary leave can be passed to him until he joins his new office. Change of appointment during furlough.

7. If the appointment of an officer is changed during furlough or special leave in India, he must join his new appointment within the leave. But the Local Government may give him joining-time, if he have not had sufficient notice of the change.

8. An officer the head quarters of whose office are not fixed at one station must, at the end of his leave, rejoin his office wherever either the head quarters of his office or his *locum tenens* may actually be; but the Government or other authority which granted the leave may, for public reasons, permit or require the officer to rejoin elsewhere.

9. An officer begins to draw pay and acting allowance from the day on which he assumes the office (substantive or officiating) to which he may have been appointed, or on which he may have a lien. But if his leave or joining-time end on a Sunday or holiday, and he take charge on the first working day after such Sunday or holiday, his assumption of office and the re-arrangement of appointments (if any), consequent thereon, shall be held to have taken place on the day after that on which his leave ended: Provided that such re-arrangement (if any) does not involve the transfer of any officer to another station, or the formal appointment of any officer to a new office.

10. If charge of an office is transferred after noon, the transfer does not affect allowances till the next day.

CHAPTER XIII.

APPLICATIONS FOR LEAVE.

Applications for leave.

Section **25**. Applications for leave are to be submitted to the Local Government, which will deal with them in such manner as the Governor General in Council may prescribe.

1, (*a*). When an officer applies for leave, he should distinctly state under what section of these rules he wants it, and should show that he is entitled to it under that section.

(*b*). Local Governments may grant leave under the rules to officers serving under their orders. Before granting the leave, they should obtain report of the Accountant General as to the applicant's title to it.

(*c*). A Local Government granting leave to an officer of the Bengal, Madras, or Bombay Covenanted Service serving out of his own presidency, should inform the Government of India, Madras, or Bombay as the case may be.

(*d*) The Local Governments should, at the end of each quarter, submit to the Home Department of the Government of India a statement of officers of the Bengal Covenanted Civil Service absent on furlough or special leave (including subsidiary leave) granted by them. A register prepared from these statements is kept in the Home Department, and is published quarterly in the *Gazette of India.*

Medical certificate

2, (*a*). Applications from officers in India for leave, or extension, or commutation of leave on medical certificate, must be accompanied by a medical certificate in the following form :—

> I, *A. B.*, Surgeon at, or of, , do hereby certify that *C. D.*, of the Service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to sea [*or to such place as the Surgeon may think proper, expressing it in the certificate*].

(*b*). The applicant must (unless the state of his health absolutely prevent it) present himself, with two copies of the statement of his case, before the Medical Board at any of the presidency towns, and obtain their certificate as follows :—

> We [*or* I] do hereby certify that, according to the best of our [*or* my] professional judgment, after careful personal examination of the case, we [*or* I] consider the state of health of *C. D.* to be such as to render leave of absence for a period of blank absolutely necessary for his recovery.

(*c*).. An officer serving in Burmah need not appear at a presidency town, but must obtain the certificate from a Medical Board composed of the Deputy Inspector General of Hospitals, and the two next senior medical officers, at Rangoon.

(*d*). If the officer is going on leave out of India, he should take with him one copy of his case.

(*e*). If the applicant for an *extension or commutation of leave* on medical certificate be residing out of India, and within 20 miles of London, he must produce a certificate from the Medical Board attached to the India Office, showing the necessity for the extension or commutation. If he be residing beyond that distance from London, certificates in the second of the above forms must be produced from two medical practitioners; but he is liable to be called upon to produce other evidence.

3. Unless specially otherwise ordered, leave must begin within 35 days of the date on which it was granted.

4. No-demand certificates are not required from officers going on leave except in the Public Works Department.

Section **26.** If under the operation of Proviso 3, Section 7 (*a*) the applications for furlough (including those under Section 22) cannot all be complied with, furlough will be granted in the following order: Priority of claim.

First.—To those applicants to whom most furlough is due;

Secondly.—Of two or more applicants to whom the same amount is due, to him who has rendered longest continuous active service;

Thirdly.—Of two or more such applicants who have rendered the same continuous active service, to the senior.

SCHEDULE A.

REFERRED TO IN SECTION 1 (*b*).

Officers holding substantive appointments, such as are usually held by Covenanted Civil Servants, or Commissioned Officers of the Army; or any of those specified in the following list:—

LAND REVENUE.—Officers of the Settlement Department above the rank of Deputy Collector, or Extra Assistant Commissioner.

FOREST.—Assistant Conservators and officers of higher rank.

CUSTOMS.—Commissioner, Deputy Commissioner and Collectors of Inland Customs, Deputy and Assistant Commissioners of Sea Customs.

OPIUM.—Sub-Deputy Opium Agents.

POST OFFICE.—Presidency Post Masters, Chief Inspectors, and officers of higher rank.

TELEGRAPH.—Assistant Superintendents and officers of higher rank.

ADMINISTRATION—Assistant and Under Secretaries to Government, Superintendent of Government Printing.

SURVEY.—Trigonometrical, Topographical, and Revenue.—Assistant Surveyors and officers of higher rank.

Geological.—Officers on the graded list.

FINANCIAL.—Officers of 5th and higher grades.

JUDICIAL.—Judges of the Chief Court of the Panjab (not being Barristers). Judges and Registrars of Presidency Small Cause Courts. Civil Judges in Oudh. Magistrates of Police in Presidency Towns. Registrars of High Courts. Clerks of the Crown.

REGISTRATION.—Inspectors General of Registration.

POLICE.—District Superintendents and officers of higher rank.

MARINE.—Master Attendants, Deputy and Assistant Master Attendants.

EDUCATION.—Officers on the graded list.

MEDICAL.—Uncovenanted Medical Officers graded in the Notification of the Financial Department, No. 2295, dated 25th April 1867.

POLITICAL.—Assistant Political Agents.

PUBLIC WORKS.—Assistant Engineers of the 3rd grade and officers of higher rank. Assistant Controllers of Accounts and officers of higher rank.

APPENDIX.

FORMS FOR LAST PAY CERTIFICATE.

[In filling up these forms :—

(1.) Allowances should be stated in rupees a month, and not in pounds a year, and in entering "the rate of absentee allowance," it should be stated, in the first place, without reference to the maximum or minimum applicable, and then if a maximum or minimum applies, or if the allowance is such that a future change in the official rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of, &c."

(2.) In Forms A, B, C, and D, the presidency to which an officer belongs should be stated in the title, and the presidency or province in which he is employed should be stated under the first heading.

(3). In the heading "source from which, &c.," the term "Indian Revenues" should be used in all certificates intended to be sent to England, as the term "Imperial Revenues" has there a different signification. If the allowance is not chargeable finally to the Government of India, the Local Administration or Fund from which it is recoverable must be expressly stated].

FORM A.

LAST-PAY CERTIFICATE OF *(title and name)* OF THE *(Corps or Service)* PROCEEDING ON *(nature and period of leave)* TO *(place)*.

1.	Government under which employed ...	1.
2.	Substantive appointment	2.
3.	Acting appointment, if any ...	3.
4.	Period of leave	4.
5.	Date of commencement of leave ...	5.
6.	Rate of absentee allowance and place of payment.	6.
7.	Date from which first payment is to be made.	7.
8.	Amount, if any, paid in advance ...	8.
9.	Source from which absentee allowance is payable.	9.
10.	Period for, and terms on, which leave may be extended or commuted.	10.

(Place) the (date).

(SIGNATURE)
Accountant General.

NOTE—In the case of officers on other than privilege leave embarking for Europe at Calcutta, the entry in the 5th and 7th spaces should be—"The date of the pilot quitting the vessel as certified below;" and the certificate below should be in the following form :—

"This is to certify that *(title and name)* is a passenger on board the *(name of vessel)* proceeding to *(destination)*, and left by me at sea this day."

(SIGNATURE)
Pilot.

(Place) the (date).

FORM B.

(Obverse.)

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*Corps or Service*) PROCEEDING ON (*nature of leave*) TO EUROPE.

1.	Government under which employed ..	1.
2.	Substantive appointment	2.
3.	Acting appointment, if any .	3.
4.	Period of leave	4.
5.	Date of commencement of leave ...	5.
6.	Rate of absentee allowance and place of payment.	6.
7.	Date from which first payment is to be made.	7.
8.	Amount, if any, paid in advance ...	8.
9.	Source from which absentee allowance is payable.	9.
10.	Period for, and terms on, which leave may be extended or commuted.	10.

(SIGNATURE)

(*Place*) *the* (*date*). *Accountant General.*

Certified that the above-named officer appeared before me on this date, that he stated his intention of embarking for Europe on the *(name of vessel)* which leaves this port on the *(date)*, that he drew an (or no) advance of salary, and that the 5th, 7th and 8th spaces in the above certificate have been filled up by me accordingly

(SIGNATURE)

(Place) the (date). *Accountant General or Collector*

(Reverse.)

FROM

THE ACCOUNTANT GENERAL,

(*Place*),

To

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF

(Name of port of embarkation).

Dated (place) the (date).

SIR,

I HAVE the honor to request that when (*title and name of absentee*) produces this letter, you will pay him at the rate of ——— per month from the (*date of departure from Accountant General's station*) to the day not later than the (*date of expiry of subsidiary or preparatory leave*) preceding his departure from *(name of port of embarkation)*, that you will grant him an advance of ——— if required, and will fill up the certificates on the reverse accordingly. The date to be shown in the 5th and 7th spaces of the last-pay certificate is that of *(title and name)* 's departure from (*name of port of embarkation*).

I have, &c.,

(*Place*) *the* (*date*). (SIGNATURE)

Accountant General,

(*place*)

FORM C.

(Obverse.)

LAST-PAY CERTIFICATE, &c., *(as in form B)*.

(Reverse.)

FROM

THE ACCOUNTANT GENERAL,

(Name of absentee's presidency).

To

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF

(Name of port of embarkation).

Dated (place) the (date).

SIR,

I HAVE the honor to request that when *(title and name of absentee)* produces this letter, you will pay him at the rate of ——— a month, less the deductions shown in the margin, from the date up to which he last drew salary from the ——— treasury to the date on which he may make over charge of the office of ——— as shown below, and at the rate of ——— a month for the period not exceeding *(maximun of subsidiary or preparatory leave)* from the date on which he may make over charge of that office to the day preceding his departure from *(name of port of embarkation)*, that you will grant him an advance of ——— if required, and fill up accordingly the certificates on the reverse. The date to be shown in the 5th and 7th spaces of the last pay certificate is that of *(title and name of absentee)*'s departure from *(name of port of embarkation)*.

Rs A P.

I have, &c.,

(SIGNATURE)

Accountant General.

(Title and name of absentee) received his salary from the ——— treasury at the rate of ———, less the deductions shown in the margin up to the ———, and to no later date He made over charge of the office of ——— on the fore *(or* after) noon of the ———

(Place) the (date).

Collector of ———

FORM D.

(Obverse.)

LAST-PAY CERTIFICATE OF *(title and name)* OF THE *(Corps or Service)* PROCEEDING ON *(nature of leave)* TO EUROPE.

1.	Government under which employed	1.
2.	Substantive appointment...	2.
3.	Acting appointment, if any	3.
4.	Period of leave	4.
5.	Date of commencement of leave	5.
6.	Rate of absentee allowance	6.
7.	Place of payment	7.
8.	Date from which first payment is to be made	8.
9.	Amount, if any, paid in advance	9.
10.	Source from which absentee allowance is payable	10.
11.	Period for, and terms on, which leave may be extended or commuted.	11.

NOTE.—*(Title and name)'s* pay and acting allowance for the three years preceding (or for the period from the ——— to) this date, exclusive of periods of absence on other than privilege leave, were—

			R.	A.	P.
Rs.	a month from the (*date*) to the (*date*)	... ...	0	0	0
Rs.	a month from the (*date*) to the (*date*)	... ...	0	0	0
	Total	...	0	0	0

The rate of absentee allowance admissible to him is half his monthly average pay and acting allowance for the three years preceding (or for the period from the ——— to) the date on which he may make over charge of his office, exclusive of periods of absence on other than privilege leave, provided that the allowance does not exceed ——— * or fall short of ——— .

* These figures to be entered in accordance with the rules of the service to which the officer belongs.

(*Place*) *the* (*date*).

(SIGNATURE)

Accountant General.

Certified that the above-named officer appeared before me on this date; that he stated his intention of embarking for Europe on the (*name of vessel*) which leaves this port on the (*date*); that he drew an (or no) advance of salary; and that the 5th, 8th, and 9th spaces in the above certificate have been filled up by me accordingly.

(*Place*) *the* (*date*).

(SIGNATURE)

Accountant General or Collector.

(Reverse.)

FROM

THE ACCOUNTANT GENERAL,

(*Name of absentee's presidency*),

TO

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF

(*Name of port of embarkation*),

Dated (*place*) *the* (*date*).

SIR,

I HAVE the honor to request that when (*title and name of absentee*) produces this letter, you will pay him at the rate of ——— a month, less the deduction shown in the margin, from the date up to which he last drew salary from the ——— treasury to the date on which he may make over charge of the office of ——— as shown below, and at the rate of half his monthly average pay and acting allowance as shown below for the period not exceeding (*maximum of subsidiary or preparatory leave*) from the date on which he may make over charge of that office to the day preceding his departure from (*name of port of embarkation*); that you will grant him an advance of ———, if required, and fill up accordingly the certificates on the reverse. The date to be shown in the 5th and 7th spaces of the last-pay certificate is that of (*title and name of absentee*)'s departure from (*name of port of embarkation*).

Rs A. P.

———

———

I have, &c.,

(SIGNATURE)

(*Title and name of absentee*) received his salary from the ——— treasury, at the rate of ———, less the deduction shown in the margin up to the ———, and to no later date. He made over charge of the office of ——— on the fore (*or* after) noon of the ———. His average monthly pay and acting allowance for the three years preceding (or for the period from the ——— to) the date on which he made over charge of his office is Rs. ———, and the 6th space in the certificate on the face of this form has been filled up accordingly.

Collector of

Accountant General.

(*Place*) *the* (*date*).

FORMS E, F, G, H, K, L.

These forms are not reprinted; they will be found in the *Gazette of India*, as follows:

Form E is the same as Form C " F " " D " G " " F " H " " G	Printed with Resolution No. 409, dated 7th May 1869, in *Gazette of India*, 15th May 1869, pages 959 and 960.	
" K " " B " L " " C	Printed with Resolution No. 3904, dated 11th October 1869, in *Gazette of India*, 23rd October 1869, page 406.	

FORM M.

Last-pay certificate of (*title and name*) of the (*corps or service*) proceeding to (*place*) to join the appointment of ———————— *or* to officiate as ———————— *or* on duty.

———————— has drawn pay as ————————, at the rate of ———————— a month, and acting allowance as ————————, at the rate of ———————— a month, less the deductions shown below, up to the (*date*). He made over charge of the office of ———————— on the fore (*or* after) noon of the ————————.

Deductions.			Rs.	A.	P.
————————	...	...	0	0	0
————————	...		0	0	0
————————	...	...	0	0	0
			0	0	0

SUPPLEMENT A.

LIEUTENANT-GOVERNORS.

Leave on medical certificate for not more than six months may be granted to a Lieutenant-Governor. A Lieutenant-Governor is not entitled to any other leave.

SUPPLEMENT B.

MEMBERS OF COUNCIL.

The leave admissible to an Ordinary Member of the Executive Council of the Governor General, or of the Governor of Madras or Bombay, is regulated by Act of Parliament, Section 26 of 24 and 25 Vic., cap. 67.

Section 26.—It shall be lawful for the Governor General in Council, or Governor in Council of either of the presidencies, as the case may be, to grant to an Ordinary Member of Council leave of absence, under medical certificate, for a period not exceeding six months, and such member, during his absence, shall retain his office, and shall, on his return and resumption of his duties, receive half his salary for the period of such absence; but, if his absence shall exceed six months, his office shall be vacated.

SUPPLEMENT C.

JUDGES OF HIGH COURTS AND CERTAIN LEGAL AND JUDICIAL OFFICERS.

Regulations by the Secretary of State in Council of India under the provisions of 24 *&* 25 *Victoria, cap.* 104, *section* 6, *respecting the furloughs* * * * *of the Chief Justices and Puisne Judges of the High Courts of Judicature for the Bengal Division of the Presidency of Fort William, Madras, Bombay, and the North-Western Provinces; and regulations by the Secretary of State in Council respecting the furloughs and leaves of absence of certain other Legal and Judicial Officers.*

* * * * *

Definitions.

I.—In the following rules, "actual service" includes the period during which a Judge is carrying on his duties in a High Court, also periods spent on privilege and subsidiary leave, and periods of vacation during which the Judge is not on "furlough or extraordinary leave."

"Extraordinary leave" means any leave granted otherwise than under these rules.

Furlough.

II.—One year's furlough shall be placed to the credit of each Judge after the completion of every four years of actual service.

III.—Except under Rules VI and VII, no furlough shall be granted until at credit under Rule II.

Provided that any Judge who may have been already in the service of the Government at the time of taking office in the High Court, and who was at that time entitled, under the rules applicable to the branch of the service to which he belonged, to furlough, without medical certificate, may be granted furlough for a term not exceeding that to which he was so entitled upon the condition that such furlough shall not be taken until the completion of two years' actual service in the High Court, and shall not exceed one year.

IV.—Except under Rule VII, furlough shall not be repeated until after the completion of three years' actual service from the date of the last return from furlough or extraordinary leave.

N. B.—The words "furlough or extraordinary leave" in the above rule mean furlough under these rules or extraordinary leave granted to an officer since he has been a Chief Justice or Judge of a High Court.

V.—The maximum term of furlough to be taken at any one time shall be fifteen months.

VI.—Under medical certificate, furlough may be granted before it is at credit under Rule II.

VII.—On urgent private affairs, furlough may be granted before it is at credit under Rule II, and although three years of actual service have not been completed since the last return from furlough or extraordinary leave.

Provided that furlough under this section shall not exceed six months, and shall be granted only once during the whole period of a Judge's service in the High Court.

VIII.—The aggregate amount of all furlough which can be granted to a Judge during the whole period of his service in the High Court shall not exceed two years and a half.

IX.—Furlough taken in India shall be reckoned from the date of the Judge's quitting his office to the date of his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

In the event of the furlough being taken partly in India, and partly out of India, the commencement and termination of the furlough shall be respectively determined by the above rules, according as the furlough begins or ends in or out of India.

X.—For the interval elapsing between the date of quitting his office and the commencement of furlough out of India, and between the termination of furlough out of India and resuming his office, a Judge may be allowed subsidiary leave not ordinarily exceeding thirty days, which in special cases may be extended.

XI.—A Judge, when on furlough or subsidiary leave, shall receive allowances at the rate of Rs. 833-5-4 per mensem in the case of leave taken in India, or £1,000 per annum in the case of leave taken out of India.

XII.—Except under medical certificate, the number of furloughs to be granted at any one time, and the grant of furloughs to individual Judges shall be subject to, and limited by the exigencies of the service, which exigencies shall be determined exclusively by the authority granting the furlough.

XIII.—If, owing to the exigencies of the service, it may be necessary to place any limit on the number of Judges who may be absent on furlough at the same time, applications not supported by medical certificate will be granted in the following order:

The Judge to whose credit the greatest amount of furlough remains under Rule II, shall have the preference.

If two or more applicants are on an equality in this respect, the preference shall be given to the applicant whose actual service in a High Court is longest, reckoning, in the case of a Judge who has not taken furlough or extraordinary leave, from the date of his commencement of service in the High Court, and, in the case of a Judge who has taken furlough or extraordinary leave, from the date of his last return from such furlough or leave.

If two or more applicants are equal in both respects, the preference shall be given to the senior in the Court.

Privilege Leave.

XIV.—Subject to the exigencies of the service, a Judge who has completed 11 months' continuous duty, inclusive of vacations, may, if the Government be satisfied that there is an urgent necessity, but not otherwise, be granted privilege leave for one month without deduction from his salary or acting allowances.

XV.—In the same manner and under the same conditions an additional month of privilege leave shall be held to accrue to a Judge after each further period of 11 months' continuous duty.

XVI.—Privilege leave shall not be taken in instalments, but any balance of privilege leave that may not have been taken shall be added to the next privilege leave which may accrue.

Provided that the whole privilege leave taken at any one time shall not exceed three months, and that any accumulation of privilege leave beyond that period shall be forfeited.

N. B.—Financial Resolution of the Government of India, No. 401, dated 24th April 1869, shall not be held to apply to a Chief Justice or Judge of a High Court, even though, under Rule XXIII, he may elect to abide by former rules. Whatever rules such an officer may elect, privilege leave shall not be granted to him except on urgent necessity being shown.

General.

XVII.—Furlough and privilege leave shall not be taken as such in continuation of each other, but if a Judge absent on one of these classes of leave be allowed to change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

XVIII.—Applications for leave shall in all cases be submitted in such manner as the Government may, from time to time, prescribe,

XIX.—Leave allowances shall be payable monthly if payment is taken in India, and quarterly if payment is taken in England.

XX.—No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

XXI.—If a Judge shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent, and if he shall so continue absent for more than one week, his office shall be liable to become vacant.

XXII.—No leave, except privilege leave and leave subsidiary to furlough, shall count as service for pension.

XXIII.—Each Judge who stood appointed to a High Court on the 7th August 1869, and has taken no leave since then, shall, on the next occasion of his taking leave, be given the option of accepting these rules or abiding by those in force before that date for Judges of the High Courts of Judicature. Any Judge who has taken leave since the 7th August 1869, must abide by the rules he elected when taking that leave.

N. B.—Under the above rule a Covenanted Civil Servant, who stood appointed as Judge of a High Court on the 7th August 1869, may take leave on medical certificate under the rules which were in force before the 1st July 1868 for the grant of such leave to Covenanted Civil Servants generally.

XXIV.—If a Judge, who is a Covenanted Civil Servant, shall be permitted to resign his office and remain in the service, all leave which he may have taken as a Judge of the High Court shall be reckoned as if it had been taken under the rules for the leave of absence of Covenanted Civil Servants.

XXV.—The above rules regarding furlough and leave of absence (I to XXIV) are, with the modifications A and B below stated, applicable also to the following officers:—

Barrister-Judges of the Chief Court of the Panjáb.

Recorders in Burmah.

First Judges of Small Cause Courts at the Presidency Towns.

Secretary to the Council of the Governor General for making Laws and Regulations.

Modifications above indicated.

A.—The allowances of these officers while on furlough or subsidiary leave shall not exceed half their salaries, and shall be limited also to the rate prescribed in Rule XI.

B.—The privilege leave of the officer last named shall be regulated by the * * Civil * * Leave Code.

SUPPLEMENT D.

TO LAW OFFICERS.

Sick Leave, and Short Leave on private affairs (now called Privilege Leave) may be granted to Law Officers in accordance with the rules of the 8th June 1855 for the Grant of Leave of Absence to Covenanted Civil Servants. Provided that no additional expense be caused in consequence of the leave. Law Officers.

SUPPLEMENT E.

CHAPLAINS.

PRELIMINARY.

Section 1.—The following rules regulate the grant of leave to Chaplains.

Section 2.—In these rules—

(*a*) "Active service" includes besides time spent on duty :— Active service.

(1). Privilege leave of absence.

(2). Subsidiary leave of absence.

(3). Time passed in India out of employ, but not on leave.

(*b*) "Extraordinary leave" means leave of absence granted otherwise than under these rules. Extraordinary leave.

Example.—Leave in extension of the three years admissible under Section 5 (*b*).

(*c*) "Continuous service" and "continuous active service" mean the service, and active service, of a Chaplain since his last return from furlough or extraordinary leave lasting more than three months; or, if he have not had such leave, since the beginning of his active service. Continuous.

No leave can be included in continuous service except privilege leave and special leave.

FURLOUGH.

Section 3.—The amount of furlough, admissible to a Chaplain, is limited to six years. All the rules in this Supplement are subject to this limitation. Aggregate admissible.

Furlough and leave with allowances on medical certificate under former rules are counted as furlough under this rule; but leave of absence in India taken before the 25th August 1854 is not.

Section 4 (*a*).—The amount of furlough "earned" by a Chaplain is one-fourth of his active service, and three months in addition thereto. Amount due.

(*b*).—The amount of furlough "due" to a Chaplain is the amount which he has earned, diminished by—

(1) the amount of furlough which he has enjoyed under these or any former rules.

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former rules.

Section 5. (*a*).—To a Chaplain who has rendered three years' continuous service, furlough for not more than two years may be granted as follows :— Amount admissible.

First, on medical certificate,—unconditionally ;

1. Section 25 of the Code, Rule 2, applies generally to Chaplains also.

Secondly, without medical certificate,—subject to these provisos—

(1) that the furlough be due to him;

(2) that he have rendered seven years' active service;

(3) that the whole number of Chaplains absent on furlough and special leave do not exceed the limit appointed by the Government of India.

1. Except on medical certificate, or on very urgent private affairs, furlough or special leave may not be granted to Church of England Chaplains employed in the diocese of Calcutta, if 15 per cent. of the whole number of such Chaplains are already absent on furlough or special leave. The Bishop of Calcutta will report to the Government of India when the limit is reached.

(*b*).—Furlough taken under this section may, on medical certificate, be extended to not more than three years.

Section 6 (*a*).—To a Chaplain who has not rendered three years' continuous service, furlough for not more than one year may be granted on medical certificate.

(*b*).—Furlough granted under this section for less than one year may, on medical certificate, be extended to not more than one year.

Allowances.

Section 7.—A Chaplain on furlough is entitled to allowances as follows:—

	On ordinary furlough.	On other furlough.
Archdeacon, and the Senior Chaplain of the Church of Scotland	£600 a year	£480 a year.
Senior Chaplains	£500 „	£384 „
Junior Chaplains	£350 „	£300 „

Explanation.—Ordinary furlough includes—

(1) the first two years of each separate period of furlough under Section 5.

(2) so much of furlough under Section 6 as may be due, provided that the Chaplain have rendered six months' continuous active service.

1. If a Chaplain on furlough, by the completion of ten years' service, passes from the rank of Junior Chaplain into that of Senior, he immediately becomes entitled to the higher furlough allowance.

2. A Chaplain on furlough does not forfeit his past leave allowance by resigning the service, without returning to India.

SPECIAL LEAVE OF ABSENCE.

Amount admissible

Section 8. Special leave on urgent private affairs may be granted at any time, for not more than six months:

Provided that a Chaplain, who has had special leave, must render six years' active service before he can again have such leave.

Allowances

Section 9. (*a*).—For the first period of a Chaplain's special leave, he is entitled to the leave allowance admissible during ordinary furlough.

(*b*).—In subsequent periods he is entitled to no leave allowance.

SUBSIDIARY LEAVE OF ABSENCE.

Section 10 (*a*).—Furlough and special leave, out of India, begin on, and include, the date of the departure of the vessel on which the Chaplain sails; and to a Chaplain taking such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day on which he gives up duty to the day before that on which his furlough or special leave begins. Amount admissible

(*b*).—Furlough and special leave, out of India, end on, and include, the date of the arrival of the vessel in which the Chaplain is; and to a Chaplain returning from such leave, subsidiary leave not ordinarily exceeding thirty days, may be granted from the day after that on which the vessel arrives, to the day before that on which he assumes the duty to which he may be appointed.

1. Subsidiary leave for more than thirty days may be granted in cases of necessity; but all such grants and the reasons for them are to be reported to the Government of India.

2 A Chaplain may leave India, or return to India, by any port he likes; but the dates by which the beginning and end of furlough and special leave are determined, are the date of the vessel's departure from the port where he first meets it, and arrival at the port where he quits it. For instance: a Chaplain sailing from Calcutta in a vessel which touches at Madras, counts by the date of departure from Calcutta, and not from Madras.

3. The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

Explanation.—A Chaplain may take furlough or special leave partly in, and partly out of, India. But subsidiary leave is not admissible under clause (*a*) of this section unless the furlough or special leave begins as furlough or special leave out of India; nor under clause (*b*), unless it ends as furlough or special leave out of India.

Section 11. A Chaplain on subsidiary leave is entitled to the same allowances as during the leave to which it is subsidiary. Allowances

1. A Chaplain may draw allowances as if he were on privilege leave, for any part of his subsidiary leave under clause (*a*) of Section 11, for which, if he were not going on furlough or on special leave, privilege leave would be admissible to him.

PRIVILEGE LEAVE OF ABSENCE.

Section 12. Privilege leave may be granted as follows :— Amount admissible

After five months' uninterrupted duty,—for not more than one month.

After ten months' uninterrupted duty,—for not more than two months.

After fifteen months' uninterrupted duty,—for not more than three months.

1. Before privilege leave can be granted, the Chaplain must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on medical certificate, within three months of his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave within the period of three months, he should, if he does so, explain fully his change of mind.

Allowances.

Section **13**.—A Chaplain on privilege leave is entitled to the same pay and house rent as if he were on duty.

1. A Chaplain on privilege leave is not entitled to "local allowances," such as conveyance allowance, jail allowance, and the special allowance to the Senior Chaplain of the Church of Scotland. Such allowances are drawn in full by the substitute.

2. The Chaplain's substitute may draw the house-rent, although it is also drawn by the absentee.

MISCELLANEOUS.

Section **14**.—The rules for—

Extension, &c.

(1) Extension and commutation of leave;

(2) Payment of leave allowances;

are those contained in Sections 22 and 23 of the Code, and the rulings subjoined. But to a Chaplain going on furlough to England, an advance of the first quarter's allowances may be made, and the advance shall not be recoverable in the event of his death.

1. A Chaplain on leave in any of the British Colonies may draw his leave allowances there through the Control Pay Master in the same manner as a military officer. But the requisite authority to pay must first be given by the Government of India.

Applications.

Section **15**.—Applications for leave are to be dealt with as the Governor General in Council may from time to time prescribe; and priority of claim is determined in accordance with Section 26 of the Code.

1. The following rules have been prescribed by the Home Department with reference to applications for leave from Chaplains on the Bengal ecclesiastical establishment, and from Chaplains on other establishments serving in the Diocese of Calcutta.

I.—Subject to the exigencies of the public service, Local Governments and Chief Commissioners are empowered, with the concurrence of the Bishop of Calcutta, to grant any furlough or special leave authorized by the rules to Chaplains serving within their respective jurisdictions. But the Government of India alone grants leave to Chaplains of the Church of Scotland serving in the Bengal Presidency.

II.—If a Chaplain applying for furlough or special leave belong to the Madras or Bombay ecclesiastical establishment, the Local Government or Administration under which he is serving will, if the furlough or leave be granted, inform the Government of Madras or Bombay as the case may be.

III.—The Bishop of Calcutta is empowered to grant privilege leave to Chaplains under Section 12, subject to the exigencies of the State, of which the Bishop shall be the judge. But the grant, cancelment, or extension of such leave should be reported to the Local Government or Administration concerned.

IV.—All applications for leave or furlough should be accompanied by a certificate from the Local Accountant General, showing that the applicant is entitled to the leave asked for, and should, as a general rule, be forwarded, in the first instance, through the proper channel to the Bishop of Calcutta, who will transmit applications for furlough or special leave, with His Lordship's remarks, to the Local Government or Administration concerned, and will himself dispose of applications for privilege leave. But in cases of urgency, leave on medical certificate may be granted by the Local Government or Chief Commissioner in anticipation of the concurrence of the Bishop, who should, however, be informed without delay.

V.—Except under orders of the Secretary of State, the term of furlough or special leave cannot be altered without the permission of the Government or Administration by which it may have been granted.

VI.—Every Chaplain who obtains leave or furlough shall supply himself with a last-pay certificate, and with a statement showing the pay which he is entitled to draw while absent. It shall be the duty of the Local Accountant General to furnish these documents, and no leave allowances will be payable without their production.

VII.—A quarterly statement of Chaplains absent on furlough or special leave, with the dates of the grant and expiry of such furlough or leave brought up to the 31st March, 30th June, 30th September, and 31st December of each year, shall be punctually furnished by Local Governments and Administrations to the Government of India in the Home Department.

VIII.—From these quarterly returns, a register will be compiled and kept at the Office of the Secretary to the Government of India in the Home Department, of all grants to Chaplains on leave or furlough, of all extensions of leave or furlough, and of all returns to duty from absence. This register will be published quarterly in the *Gazette of India.*

IX.—Every Chaplain returning to duty shall report his return to the Bishop, and to the Local Government and Administration by which his leave or furlough may have been granted.

X.—If any Local Government or Administration shall see fit to refuse a furlough to any Chaplain on the ground of the exigencies of the public service, it shall report such refusal for the confirmation of the Government of India.

SUPPLEMENT F.

UNCOVENANTED OFFICERS GENERALLY.

[Such of the rules under the Sections of the Code as are not expressly restricted to Covenanted Civil Servants, or are not explanatory of points in which the provisions of the Code differ from those in this Supplement, apply also to Uncovenanted officers generally.]

PRELIMINARY.

Section 1.—Leave of absence from duty may be granted under the following rules to officers who have substantive appointments on permanent establishments under the Government, and who are not entitled to leave under any of the other rules in this Code or its Supplements. The rules apply fully only to those whose pay is not less than Rs. 100 a month, but may be applied, in their general spirit, to officers whose pay is less than Rs. 100 a month. Application of the Rules

1. Officers and men of the Army, and officers in the Subordinate Medical Department, are under Military rules, and these rules do not apply to them. The leave of members of the Pilot Service is also governed by special rules.

2. Officers appointed as probationers for a certain period, prior to formal appointment, are entitled to the same leave as if they held substantive appointments.

3. Officers holding temporary or officiating appointments only, are not entitled to leave of any kind; but a limited amount of leave may be allowed to such officers under the conditions hereinafter stated.

4. Service in a capacity to which the leave rules do not apply does not qualify for leave under them, in the event of the officer afterwards coming under them. Service under a Local Fund of the kind mentioned in Civil Pension Code, Section 28, may qualify for leave under the rules, but the allowances given during such leave must be disbursed from the Local Fund and from general revenues in the proportion in which the salary has been paid from these sources during the period qualifying for the leave.

Section 2.—In these rules, "pay" means substantive pay; "salary" means the sum of pay and acting allowance. Pay, and salar.

1. Personal allowance is to be taken as part of an officer's substantive pay.

Average salary

"Average salary" means the average calculated for so much of the three years immediately preceding the day on which the officer gives up office, as he has passed on duty, or on privilege leave. But in all cases of leave for not more than one month, and also whenever the officer's pay is less than Rs. 100 a month, the pay of the officer's appointment at the time he gives up office is to be taken in lieu of his "average salary."

"Half average salary" is always subject to a maximum of Rs. 500 a month if paid in India, and £150 a quarter if paid at the Home Treasury of the Government of India.

"One quarter average salary" is always subject to a maximum of Rs. 400 a month if paid in India, and £120 a quarter if paid at the Home Treasury.

LEAVE ON MEDICAL CERTIFICATE.

Amount

Section 3.—Leave on medical certificate may be granted, whenever sufficient cause is shown, for three years in all, but not for more than two years at one time; and no officer can have leave on medical certificate beyond India more than twice.

1 An officer who has a temporary or officiating appointment only may be allowed leave under this Section for not more than three months, if the Local Government consider no substitute to be necessary, or can provide for his duties without additional expense.

Allowances.

Section 4.—An officer on leave under Section 3 is entitled to half of his average salary for the first fifteen months of each period of absence, but not for more than thirty months in all.

For the rest of the leave he is entitled to a quarter of his average salary.

LEAVE ON PRIVATE AFFAIRS.

Amount

Section 5.—Leave on private affairs for six months at a time may be granted to an officer who has not had furlough. The first leave under this section may be taken after six years' service, and the leave may be repeated after intervals of six years.

1. Leave on private affairs does not accumulate, nor can it be taken in instalments.

Allowances

Section 6.—An officer on leave under Section 5 is entitled to half of his average salary.

1. An officer does not forfeit the allowance to which he is entitled under this section, by resigning the service at the end of the leave.

FURLOUGH.

Amount

Section 7.—Furlough may be granted, as follows, to an officer who has not had leave on private affairs:—

After ten years' service, one year; and after eighteen years' service, another year; or in one period of two years, after eighteen years' service.

1. Leave on medical certificate counts as service for furlough.

2. Leave on private affairs under the rules in force before the 8th June 1863, does not prevent the grant of furlough under this section.

Allowances

Section 8.—An officer on furlough is entitled to half of his average salary.

LEAVE WITHOUT ALLOWANCES.

Section **9**.—Leave without allowances may, in cases of necessity, be granted for such time as may be necessary. Time spent on leave under this section does not count as service for other leave. Amount

1. There is no limit to the length or frequency of leave under this section, and it may be granted in continuation of leave on medical certificate, or furlough.

SUBSIDIARY LEAVE.

Section **10**.—Leave subsidiary to leave on medical certificate, leave on private affairs, or furlough, when taken out of India, may be allowed as prescribed in Section 15 of the Code for such time as may be sufficient. Fourteen days only are allowed to an officer at a presidency town, who takes leave on medical certificate out of India. Subsidiary leave may also be granted to an officer going on, or returning from, leave on medical certificate to a sanitarium in India. Amount.

Section **11**.—An officer on subsidiary leave prefixed to other leave, is entitled to half his average salary. An officer on subsidiary leave following other leave, is entitled to half his average salary, or one quarter of his average salary, according to the rate of allowance to which he may be entitled at the end of the leave to which it is subsidiary. Allowances

1. But see Code, Section 15 (*b*), Rule 1, and Section 17, Rule 1.

PRIVILEGE LEAVE.

Section **12**.—Privilege leave may be granted in accordance with the rules in Chapter VI of the Code: provided that no officer whose salary is less than Rs. 200 a month can draw any allowances for privilege leave until he returns to duty.

1. An officer who has only a temporary or officiating appointment only, may be allowed privilege leave, if the Local Government consider no substitute to be necessary, or can provide for his duties without additional expense.

2. Ministerial officers of High Court are not allowed privilege leave, if they are allowed to be absent during the High Court vacation.

GENERAL.

Section **13**.—Leave on private affairs and furlough cannot be taken in continuation of any other leave except subsidiary leave; but any leave may be retrospectively changed for any other kind or amount of leave which might at first have been granted; and if an officer absent on privilege leave, or on leave on private affairs, take extension of leave on medical certificate, the whole of the absence will be treated as leave on medical certificate. Commutation of leave

Section **14**.—No officer's appointment becomes vacant, simply by reason of his taking leave under these rules. But absence without leave, or after the end of leave (except privilege leave, in which case a week's grace is allowed) involves loss of appointment; and after five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ. Lien on appointment

1. The Secretary of State, in granting to officers extension of leave, sometimes declines to guarantee retention of appointment, if there is not time to communicate with the Local Government in India.

2. An officer who goes on leave out of India has no claim to return to the *particular* local appointment from which he took leave.

APPLICATIONS FOR LEAVE.

Applications for leave

Section 15 (*a*).—Leave may be granted to an officer by the authority whose duty it would be to fill up his appointment if vacant. The Local Government may empower heads of departments to grant privilege leave to officers under their orders, who are appointed by Government; but if the officer, to whom leave is granted, be a gazetted officer, the grant of leave must be reported to the Local Government.

Monthly Return

(*b*).—A monthly return of non-gazetted officers absent on leave should be prepared in the following form, and should accompany each establishment pay bill :

1, Absentee's name; 2, his appointment; 3, pay of his appointment; 4, nature of the leave, and section under which granted; 5, period of leave; 6, excess of pay over leave allowance; 7, name of substitute (if any); 8, acting allowances consequent on the leave; 9, excess of column 6, over column 8, showing the amount to be deducted from the establishment pay bill; 10, remarks.

Medical Certificate.

1, (*a*).—Applications for leave, or extension or commutation of leave, on medical certificate, must be accompanied by a statement from the applicant's medical attendant, distinctly stating from personal observation the nature of the illness, its symptoms, causes, and duration.

(*b*).—A certificate must also be submitted from the chief medical officer of the station or district, or, if the officer is at the presidency, from a Presidency Surgeon, to the effect that, after careful personal investigation, he considers a certain period of absence absolutely requisite for the restoration of health.

(*c*).—If the leave be for more than six months, the papers must be submitted for countersignature by the Deputy Inspector General; and if the leave is to be taken out of India, by the Principal Inspector General also, unless danger be incurred by the delay.

(*d*).—If the applicant be already on leave out of India, the certificate under clause (*a*) must state the period during which the Surgeon or physician has attended the officer, and it must be countersigned, after *personal* examination, by the Medical Board of the India Office, or by the principal medical authority of the colony or country where the absentee may be.

(*e*).—The forms of certificate prescribed in the Code, Section 25, Rule 2, may be used as far as applicable.

No. 2009.—The Governor General in Council is pleased to direct the republication of the Acting Allowance Code, with corrections up to date, and a few alterations in arrangement.

ACTING ALLOWANCE CODE.

ARRANGEMENT OF CHAPTERS.

I.—DEFINITIONS AND EXPLANATIONS.
II.—GENERAL RULES.
III.—THE COVENANTED CIVIL SERVICE.
IV.—MILITARY OFFICERS IN CIVIL EMPLOY.
V.—THE PUBLIC WORKS DEPARTMENT.
VI.—THE SURVEY DEPARTMENT.
VII.—OTHER OFFICERS.
VIII.—PLURAL APPOINTMENTS.
IX.—APPOINTMENTS ON PROGRESSIVE PAY.
X.—EXCEPTIONAL CASES.

CHAPTER I.

DEFINITIONS AND EXPLANATIONS.

Section 1.—In the following Rules :—

overnment

(*a*). "Local Government" includes a Department of the Government of India, a Chief Commissioner and the Resident at Hydarabad.

Class and grade

(*b*). Appointments are said to be in the same "class" when they are in the same Department and bear the same designation, or have been declared by the Government of India to be in the same class. Appointments in the same class are sometimes divided into "grades" according to pay.

Absentee

(*c*). An "absentee" is an officer absent, whether on leave or on duty, from an appointment on which he has a lien.

(*d*). Except in Chapter IX, the words "the appointment" mean "the appointment in which an officer is officiating for an absentee."

Pay and Salary

Section 2 (*a*).—The "pay" of an *officer* is as follows :—

(1.) In the case of an officer with a substantive appointment: the amount which he would receive monthly under any of the following designations if he were doing the work of his substantive appointment :

Substantive pay,

Consolidated pay,

Military pay and allowances, and staff salary,

Staff corps pay and staff salary.

(2.) In the case of an officer without a substantive appointment: his subsistence allowance (if a Covenanted Civil Servant), and his military pay and allowances, or staff corps pay (if a military officer).

(*b*).—The "pay" of an *appointment* with reference to any officer, is the pay which he would receive if he held that appointment substantively.

For instance: if the pay of the appointment is subject to increase upon the passing of an examination or upon the completion of a certain period of service, the officiating officer's allowances are calculated upon the pay which he would, from time to time, receive, if he held the appointment substantively.

(*c*).—"Salary" is the sum of "pay" and "acting allowance;" it does not include personal allowances, travelling allowances, or the like.

(*d*).—"Progressive Pay" is pay which rises from a minimum to a maximum.

(*e*).—"Consolidated Pay" includes military pay and allowances or staff corps pay, which cannot be separately drawn.

(*f*).—"Staff Salary" is an allowance to a military officer in addition to the military pay and allowances or the staff corps pay of his rank.

CHAPTER II.

GENERAL RULES.

Maximum and Minimum

Section **3** (*a*).—The maximum salary of an officiating officer shall be the pay of the appointment.

(*b*).—The minimum salary of an officiating officer shall be half the pay of the appointment.

Seconding

Section **4**.—If an absentee draws no part of the pay of his appointment, another officer may be appointed thereto substantively, for a time only, on full pay, without disturbing the lien of the absentee.

1.—An absentee who receives leave allowances draws, within the meaning of this section, "part of the pay of his appointment."

CHAPTER III.

THE COVENANTED CIVIL SERVICE.

Officers with substantive appointments

Section **5** (*a*).—An officer with a substantive appointment, officiating in another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade.

(*b*).—But the acting allowance shall not be less than two-thirds of the difference between the pay (or, in the case of a progressive pay, the minimum pay) of the appointment or grade and the pay of the officiating officer.

(*c*).—Nor shall it be less than Rs. 200.

1. In the case of an acting appointment made with effect from before 1st November 1869, or of a reversion to an acting appointment held before the date, the officer is entitled, in addition, to one-tenth of the first Rs. 2,000 of the pay of the appointment or grade.

[NOTE.—"Reversion" means a return to an appointment under the operation of the rules, and without formal re-appointment.]

Settlement Officers.

2. In the North-Western Provinces, when a settlement officer officiates in an appointment in another Department, his salary shall be calculated as if his pay were the pay of the ordinary grade next below the standing which he occupies in the Settlement Department.

Explanation.—An officer officiating in a class divided into grades will officiate in the lowest grade unless it be otherwise specially ordered.

[*Illustration.*—A. is Magistrate in the first grade of Nuddea. B. is Magistrate of Midnapore, the senior in the second grade. C. is a Joint Magistrate. If A. takes leave, then, in ordinary course of promotion, B. would obtain officiating promotion to the first grade without leaving Midnapore, and C. appointed to officiate as Magistrate of Nuddea would officiate in the second grade.]

Officers without substantive appointments.

Section 6 (*a*).—An officer without substantive appointment is entitled to an acting allowance of half the pay of any appointment in which he officiates, and to subsistence allowance.

1. For rates of subsistence allowance, see Civil Leave Code, Section 11, Rule 1.

(*b*). But an officer, who on the 1st July 1868 was absent on leave, without a substantive appointment, or had returned from furlough and had not obtained a substantive appointment, is entitled, till he again holds a substantive appointment with pay not less than that of the substantive appointment which he last held, to an acting allowance of three-quarters, instead of half, of the pay of any appointment in which he officiates.

1. No officer who did not return from furlough before the 23rd November 1869, may under this clause draw more salary than he would draw if the substantive appointment which he last held were restored to him.

2. An officer may decline the special acting allowance provided in clause (*b*) of this section, and take the ordinary acting allowance under clause (*a*). In this case, the limitation prescribed by the preceding rule will not operate.

3. If an officer who draws acting allowance under clause (*b*) of this section takes furlough, the clause will continue to apply to him on his return from that furlough, unless the circumstances are such that if he had had a substantive appointment, he would have lost it by the operation of the rules.

4. An officer drawing allowances under clause (*b*) of this section should be appointed to the first appointment (not being a special one) suitable to his rank and qualifications which may become substantively vacant. If its pay is less than that of the substantive appointment which he last held, he should be promoted as substantive vacancies occur, until his pay is equal to that of the substantive appointment which he last held. Until he regains this position, he may draw, unless the local Government declare him unfit to be restored to his former rank, such personal allowance as will raise his salary to the amount which he would draw under this clause and the rules explanatory of it.

CHAPTER IV.

MILITARY OFFICERS IN CIVIL EMPLOY (NOT BEING IN THE PUBLIC WORKS, THE SURVEY, THE TELEGRAPH, OR THE FOREST DEPARTMENT).

Specification of cases

Section 7.—The cases which may occur are these:—

(*A*). An officer officiating in an appointment of which the pay is consolidated may be—

Case 1.—An officer without a substantive appointment.

Case 2.—An officer having a substantive appointment the pay of which is consolidated.

Case 3.—An officer having a substantive appointment the pay of which is a staff salary.

(*B*). An officer officiating in an appointment of which the pay is a staff salary may be—

Case 4.—An officer without a substantive appointment.

Case 5.—An officer having a substantive appointment the pay of which is consolidated.

Case 6.—An officer having a substantive appointment the pay of which is a staff salary.

1. An appointment of which the pay is fixed with reference to its being held by a civil officer, Covenanted or Uncovenanted, is treated, for the purposes of this section, as if the pay of it were "consolidated."

Section **8**.—In case 1 the officer is entitled to his pay and to such acting allowance as will make the total equal to the sum of the assumed subsistence allowance stated below, *plus* half the pay of the appointment:— Appointments on consolidated pay

Assumed Subsistence Allowance.

		Rs.
For the rank of Captain or Subaltern	...	250 a month.
For the rank of Major ...	...	320 „
For higher ranks	...	400 „

Section **9**.—In cases 2 and 3 the acting allowance is regulated by Section 5. Appointments on staff salary.

Section **10** (*a*).—In cases 4, 5, and 6 the salaries are calcutated by military rules: any excess of the consolidated pay of the substantive appointment in case 5, over the military pay and allowances or the staff corps pay of the officer, being treated as a staff salary.

(*b*).—The military rules referred to are as follows:—

(1).—For officers who have elected the rules of 1868—

An officiating officer will draw half the staff salary of the appointment and half the staff salary of his substantive appointment, if he have one: provided the whole staff salary thus drawn be not less than Rs. 100 a month.

(2). For officers who have elected the rules of 1854—

An officiating officer will draw half the staff salary of the appointment. After acting for six months, whether continuously or not, in the same post or grade, he is entitled to the full staff salary, as soon as the absentee ceases to draw any part of it.

Section **11** (*a*).—A medical appointment, the pay of which was fixed by General Order of the Government of India, Military Department, No. 370, dated the 4th April 1867, is to be treated for the purposes of this Chapter as if the pay thereof were a staff salary equal to the excess, if any, of the consolidated pay over the "unemployed pay" of the permanent incumbent: Medical appointments.

(*b*).—Provided that an officer appointed to the Medical Service before 7th November 1864, officiating in one of these appointments, shall receive an aggregate salary not less than his full batta pay.

CHAPTER V.

THE PUBLIC WORKS DEPARTMENT.

[ENGINEER ESTABLISHMENT AND SUPERIOR OFFICERS OF ACCOUNTS BRANCH.]

Section **12** (*a*).—An officer of a class divided into grades cannot officiate in that class in a grade higher than that to which he is substantively appointed. No officiating in grades.

(*b*).—An officer officiating in a rank which is divided into classes, or in a class divided into grades, will officiate in the lowest class or grade; but this rule does not apply to officers officiating in appointments of which the substantive holders must belong to a particular class.

Section **13** (*a*).—An officer with a substantive appointment, officiating in a higher class or in another appointment, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the class or appointment in which he officiates. Officers with substantive appointment.

(*b*).—A civil officer without a substantive appointment is entitled to an acting allowance of half the civil pay of the class or appointment in which he officiates. A military officer, without an appointment, is entitled to his pay and to such acting allowance as will make the total equal to the sum of the assumed subsistence allowance stated in Section 8, *plus* half the civil pay of the class or appointment in which he officiates.

Explanation.—The civil pay of a graded class is the average civil pay of the grades (calculated without reference to the number of appointments in each grade); but the officiating officer's salary shall not exceed the pay of the lowest grade.

1. The net military pay of an officer of the Royal Engineers is not taken into account in calculating acting allowances. He is entitled to this pay independently of any other allowance.

Section **14**.—In the following cases, special allowances are given, on sanction by the Local Government, or, if the appointment be under a Chief Commissioner or an Agent to the Governor General, or under the Resident of Hydarabad, or the Superintendent of Port Blair, by the Government of India:

(*a*).—A subordinate officiating as an Executive Engineer is allowed Rs. 100 a month in addition to his pay, provided that the aggregate does not exceed the pay of an Executive Engineer of the 4th Grade.

Subordinates.

(*b*).—A subordinate officiating as an Assistant is allowed Rs. 50 a month in addition to his pay. This allowance is not admissible on the mere circumstance of the subordinate holding a charge formerly held by an Assistant, but only when the charge involves duties and responsibilities which, in character or extent, are such as are not usually imposed on subordinate officers.

(*c*).—An Accountant officiating for a Controller or Deputy Controller is entitled to draw an allowance of Rs. 100 a month in addition to his pay, provided that the aggregate does not exceed the pay of a Deputy Controller.

CHAPTER VI.

THE SURVEY DEPARTMENT.

(OFFICERS NOT BELOW THE RANK OF ASSISTANT SURVEYOR IN THE SURVEY DEPARTMENT UNDER THE SURVEYOR GENERAL OF INDIA.)

Survey Department.

Section **15**.—An officer officiating in the grade immediately superior to his own, is entitled to the same allowances as if he were confirmed in that grade.

Section **16**.—An officer officiating in a grade higher than that immediately superior to his own, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the grade in which he officiates.

1. Rule 1 under *Section* 5 applies to this section also.

Section **17**.—An officer without a substantive appointment is entitled to an acting allowance, in addition to his pay (if any), of half the civil pay of the grade in which he officiates.

CHAPTER VII.

OTHER OFFICERS.

Section **18**.—The following are the rules applicable to officers in civil employ who are

not members of the Covenanted Civil Service,
nor Commissioned Officers in the Army,
nor in the Public Works and Survey (India) Departments, unless they are officiating in appointments below the rank of Assistant Engineer, or Assistant Controller, or Assistant Surveyor,
nor officers of the superior establishment of the Telegraph and Forest Departments, whose acting allowances are regulated by the special rules contained in the Appendix.

Section **19** (*a*).—An officer with a substantive appointment officiating in an appointment which is open to, and may in practice be held by, a Covenanted Civil Servant or an officer of the Army, is entitled to the acting allowance prescribed in *Section* 5. Officers with substantive appointments

Examples of the appointments referred to.

Postmasters General, Judges of Small Cause Courts, gazetted officers of Police.

1. The classified list of the Financial Department is excepted from this clause, and comes under the next clause.

(*b*).—An officer with a substantive appointment officiating in an appointment to which clause (*a*) does not apply, and of which the pay is not less than Rs. 100, is entitled to an acting allowance of one-fifth of the pay of the appointment: Provided that no officer may, under this clause, be appointed to officiate in a higher grade of his own class. No officiating in grades.

1. In the Public Works Department no increased allowances are admissible to an officer of the Upper Subordinate Establishment, or to a Sub-Overseer, for performing duties previously entrusted to one of a higher grade in either of the Subordinate Establishments.

2. In Madras the first, second, and third grades of munsiffships are treated as distinct *classes*. Munsiffs in Madras.

Explanation.—The pay of an appointment which belongs to a graded class and is not such as is described in clause (*a*) of this section, is the average pay of the grades, calculated without reference to the number of appointments in each grade; but the officiating officer's salary shall not exceed the pay of the lowest grade, unless he belongs to another Department, and is specially appointed to officiate in a grade other than the lowest. Graded appointments.

Section **20**.—An officer without a substantive appointment, officiating in an appointment the pay of which is not less than Rs. 100, is entitled to an acting allowance of half the pay of the appointment. Officers without substantive appointments.

See explanation under the last section.

Section **21**.—If the pay of the appointment is less than Rs. 200, and the Local Government considers that the acting allowances admissible by rule are insufficient, it may grant to the officiating officer higher allowances, not exceeding the difference between the pay of the appointment and the portion of it drawn by the absentee for whom he officiates. Appointments of less than Rs. 200.

Appointments of less than Rs 100

Section **22**.—The salary of an officer officiating in an appointment of which the pay is less than Rs. 100 should, as far as practicable, be regulated by Sections 19 (*b*) and 20; but the officer who appoints the substitute may grant him higher allowances, not exceeding the difference between the pay of appointment and the portion of it drawn by the absentee for whom he officiates.

CHAPTER VIII.

PLURAL APPOINTMENTS.

Two or more appointments.

Section **23**.—The salary of an officer holding substantively, or officiating in, two or more independent appointments at one time, shall be regulated as follows:

(*a*).—He shall draw the highest salary to which he would be entitled if he held, or officiated in, any one of the appointments alone.

(*b*).—For the other appointment or appointments, he shall draw such allowances as the Local Government may fix, not exceeding, for each appointment, half the salary which he would draw if he held or officiated in it alone.

(*c*).—Provided that his aggregate salary shall not exceed the pay which he would draw in the most highly paid of the appointments, if he held it substantively and alone.

1. This proviso may be dispensed with, if the Local Government declared that, for special reasons (to be communicated to the Supreme Government), it is necessary, on public grounds, to entrust to the one officer the duties of the several offices at once, and that the salary to which he would be limited by the proviso is insufficient.

[*Illustration.*—A Covenanted Civil Servant holding a substantive appointment, A, of which the pay is Rs. 1,000, is appointed, without being relieved of his own duties, to officiate in two appointments, B, of which the pay is Rs. 1,600, and C, of which the pay is Rs. 2,200.

	Rs.
If he held A only, he would draw	1,000
If he officiated in B only, he would draw pay Rs. 1,000, and acting allowance Rs. 400	1,400
If he officiated in C only, he would drawn pay Rs. 1,000, and acting allowance Rs. 800	1,800
He will therefore draw for C (which carries the highest salary)	1,800

And but for proviso (*c*) he would be entitled for B and A to such allowances as the Local Government may fix, not exceeding Rupees $\frac{1,400}{2}$=700 for B, and $\frac{1,000}{2}$= 500 for A.

But in consequence of that proviso, his aggregate salary must be limited to Rs. 2,200 (the pay of appointment C), unless the declaration prescribed in Rule 1 be made.]

Exceptions

Section **24** (*a*).—Section 23 does not apply to the case of an officer officiating at the same time in two or more appointments which are ordinarily held substantively by one individual. In such case, the two appointments shall, for the purpose of calculating acting allowances, be treated as one appointment upon the aggregate pay.

(*b*).—Nor to the case of an officer discharging the duties of more than one appointment in the same office, or on the same establishment.

EXAMPLES.—One Under Secretary discharging the duties of a fellow Under Secretary in the same office or department as well as his own.

A Joint Magistrate appointed, in addition to his own duties, to officiate as Magistrate of the District. In this case, he gets allowances only as Officiating Magistrate of the District.

A District Judge deprived of the help of an Additional or Assistant Judge, and therefore doing the Additional or Assistant Judge's work.

A Joint Magistrate doing the work of a second Joint Magistrate in the District as well as his own.

A clerk doing the duties of another clerk in the same office.

(*c*).—Nor does the section affect "local allowances" given for the performance of separate duties.

1. The allowances for the additional charge of an appointment of the kind specified in Section 11, are regulated by military rules and not by this Code.

Charge of current duties.

Section **25** (*a*).—An officer appointed, without being relieved of his own duties, to be in charge of the current duties of an office, is ordinarily not entitled to acting allowance.

(*b*).—But when an officer is appointed to be in charge of the current duties of a judicial office, or of a gazetted office in the Police Department, and the charge, in the opinion of the Local Government, entails a substantial increase of responsibility, besides some additional work, he is entitled to a charge allowance, to be fixed by the Local Government, not exceeding one-tenth of the pay of the office. If the office is open to, and may in practice be held by, a Covenanted Civil Servant or an officer of the Army, the charge allowance may not be less than Rs. 100 a month.

1. For a subordinate judicial officer in charge of the current duties of a district judge's office, the charge allowance is fixed at Rs. 150 a month.

(*c*).—An officer of the Engineer Establishment of the Public Works Department, appointed, without being relieved of his own duties, to be in charge of the current duties of an office of higher class than his own, is entitled to a charge allowance of one-tenth of the civil pay of the class. But the cases must be reported to the Government of India for confirmation.

CHAPTER IX.

APPOINTMENTS ON PROGRESSIVE PAY.

Rule for finding the "pay" of the appointment.

Section **26** (*a*).—When an officer is first appointed (whether the appointment be substantive or officiating) to an office of which the pay is progressive and the minimum pay is not less than Rs. 100, the pay of the appointment shall, for the purpose of calculating his salary, be ascertained by counting towards the increments any excess over one year in the period immediately preceding the date on which the appointment takes effect, during which the officer's pay continuously—

(1) if progressive, has been at its maximum, and

(2) has been not less than the minimum pay of the appointment.

Provided that not more than a year can be counted under this section.

(*b*).—If the minimum pay of the appointment is less than Rs. 100, no time can be counted towards the increments before the date on which the appointment takes effect.

Example.—A had since the 1st July 1870 been drawing the maximum pay (Rs. 600) of his appointment. On the 1st December 1871, he was appointed to officiate in an office the pay of which rises from Rs. 600 to 800. Under this section he counts five months out of the seventeen intervening between the 1st July 1870 and the 1st December 1871. This section, however, does not fix his salary, but only determines one of the elements necessary for its calculation.

Section **27**—After an officer's first appointment, the pay of the appointment shall, for the purpose of calculating his salary, be ascertained by counting towards the increments (in addition to any time admissible under Section 26)—

i. Any time, whether continuous or not, during which he has officiated in the appointment, and during which—

(1) his pay, if progressive, has been at its maximum, and

(2) his salary has been not less than the minimum pay of the appointment.

ii. Any time during which he has substantively held the appointment.

Example.—A (the officer in the example under last section) will, under this section, count the time subsequent to 1st December 1871, during which he is officiating in the appointment. But this section, like the last, does not of itself fix his salary.

Rule for calculating salary"

Section **28** (*a*).—If the officer is officiating in the appointment, his acting allowance shall be calculated on the mean pay of the appointment; his maximum salary shall be the pay of the appointment as fixed in accordance with Sections 26 and 27; and his minimum salary shall be half the mean pay of the appointment.

(*b*). If the officer holds the appointment substantively, his pay shall be the pay of the appointment as fixed in accordance with Sections 26 and 27.

Example.—The "pay of the appointment", as fixed for A in the above example, is—

From December 1, 1871	...	Rs. 600
From July 1, 1872 ...	...	„ 650
From July 1, 1873 ...	...	„ 700
From July 1, 1874 ...	...	„ 750 and so on.

If he officiates only, he gets Rs. 740 (*i. e.* Rs. $600+\frac{700}{3}$), limited at first to Rs. 600, after the 1st July 1872 to Rs. 650, and after the 1st July 1873 to Rs. 700. But after the 1st July 1874 he will draw the full Rs. 740, as the limit is then Rs. 750.

If he at any time obtains the appointment substantively, he gets the full pay above stated.

1. The following special rules apply to the Post Office Department:—

(*a*). Unless otherwise specially ordered by the Director General, an officer can count time only under Section 27, and can count under part i of that section only so much as is continuous.

(*b*). An increment of salary accruing in any other month than March must be postponed until the 1st of March next following.

Section **29**.—An officer may, by excluding a previous appointment, count a subsequent appointment as the "first" appointment under these rules.

Example.—A officiated from the 1st January 1872 till the 31st March 1872 in an appointment the pay of which was progressive, but his own pay not being at the maximum, he was not entitled to count any time under Section 26.

He is again appointed to officiate on the 1st January 1874, but his pay having for some time been at the maximum, and the other conditions being fulfilled, the circumstances are such that, if this were his first appointment, he would be entitled, under Section 26, to count nine months towards the increments.

As this is more advantageous than it would be to count under Section 27 only the three months of his first officiating tenure, he would, by this section, exclude the first officiating tenure, and count the second tenure (beginning on the 1st January 1874) as the first.

The three months, of course, cannot be afterwards counted under Section 27.

Section **30**.—In Departments in which the pay is regulated according to classes, an officer may count, under Section 27, any time during which he has officiated in a higher class, as if he had during that time officiated in any lower class. Time thus counted cannot be afterwards counted towards an increment in the higher class.

Section **31**.—Time spent on leave with allowances counts towards increments in the same manner as if during it the officer had actually held or officiated in (as the case may be) the appointment on which he has a lien. But an increment accruing while an officer is on leave does not affect his allowances until he returns to duty. Time spent on leave

Section **32**.—Time passed under suspension does not count towards increments, if the suspension is a penalty for misconduct; but an officer, in directing reinstatement of a person who has been suspended, may declare that the time shall count. Suspension

Note.—The rules in Sections 26 and 30 were first promulgated in the Acting Allowance Code dated the 1st August 1871.

Section 30 may be applied in fixing the salaries of officers in the appointments which they were holding on the 1st August, but no back pay before the 1st August can be drawn in consequence of the permission given by it.

Section 26 can be applied only in fixing the salaries of officers in appointments made on or after the 1st August, but any officer holding an appointment on the 1st August 1871 may count that appointment as if it had been "first" made on that date.

CHAPTER X.

EXCEPTIONAL CASES.

Section **33**.—The allowances of an officiating Ordinary Member of the Executive Council of the Governor General, or of the Governor of Madras or Bombay, are regulated by Act of Parliament, Section 27 of 24 & 25 Vic., Cap. 67. Members of Council.

Section 27.—If any vacancy shall happen in the office of an Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies, when no person provisionally appointed to succeed thereto shall be then present on the spot, then, and on every such occasion, such vacancy shall be supplied by the appointment of the Governor General in Council, or the Governor in Council, as the case may be; and until a successor

shall arrive, the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall have, and be entitled to, the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office; and if any Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies, shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such Member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such Member absent or unable to attend shall be supplied by such person, and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor General in Council, or Governor in Council as the case may be, shall appoint some person to be a temporary Member of Council, and until the return of the Member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor General in Council, or Governor in Council, as the case may be, shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall receive half the salary of the Member of Council whose place he supplies, and also half the salary of his office under the Government of India, or the Government of either of the Presidencies, as the case may be, if he hold any such office, the remaining half of such last-named salary being at the disposal of the Government of India, or other Government as aforesaid: provided always that no person shall be appointed a temporary Member of the said Council, who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

High Court Judges.

Section **34**.—An Officiating Chief Justice, or Judge of any High Court, or of the Chief Court of the Panjab, is entitled to the full pay of the appointment.

Law Officers.

Section **35**.—An Officiating Law Officer draws, as acting allowance, the difference between the allowance attached to the appointment and the portion of it drawn by the absentee for whom he officiates.

1. The Government of Madras may apply this rule to an officer officiating as translator to Government.

Cases of fixed minima.

Section **36**.—The undermentioned officers, officiating or substantive, are entitled to minimum salaries as follows:—

	Rs.
Accountant General in Bengal, Madras, or Bombay	1,500
Accountant General in the North-Western Provinces or in the Panjab	1,200
Accountant General (or Deputy Accountant General in independent charge) in British Burmah...	1,000
Deputy Accountant General (in independent charge) in the Central Provinces, Hydarabad or Mysore	800
Uncovenanted Medical Officer in medical charge of a Civil Station	350
Supernumerary Deputy Collector in Sind	400
Extra Assistant Commissioner, 3rd Class, in British Burmah ...	75
Extra Assistant Commissioner, except as above	200
Assistant Superintendent of Police (except those promoted from lower grades)	200

Section **37**.—For the following cases there are special rules:—

(*a*). A Clergyman appointed to perform the duties of a Chaplain on the regular establishment is entitled to an allowance of Rs. 100 a month:

(*b*). A Sub-Assistant Surgeon officiating for, or appointed to do the duties of, a Civil Surgeon is entitled to an allowance in addition to his pay, as follows:—

If he be in the first or second grade:—Rs. 150 a month, (but he must forfeit the Panjab allowance of Rs. 50 a month, if he has it.)

If he be in the third grade:—Rs. 100 a month.

(*c*). A Subordinate Medical Officer officiating in medical charge of a first or second class Civil Station, is entitled to an allowance, in addition to his pay, of Rs. 100 a month.

APPENDIX REFERRED TO IN SECTION 18.

Extract from the Telegraph Code, Chapter D.

82. The following Rules relate to the acting allowances of officers of the superior establishment, the expression "consolidated pay" being in all cases understood as the pay fixed for a Civil Officer holding an appointment, even though the officer affected in the calculation of acting allowance be a military officer.

I.—An officer officiating in the Telegraph Department, who does not hold any substantive appointment, shall receive an acting allowance of half the consolidated pay of the appointment in which he may officiate In giving acting allowance under this rule to a Military Officer not holding any substantive appointment, who may officiate in the Telegraph Department, the allowance granted will be in addition to his military pay and allowances, up to an amount not exceeding what the officer would draw were he to be confirmed in the lowest grade of the class in which he may be appointed to officiate.

II.—An officer officiating as Director General shall draw a salary not less than Rs. 2,500 a month.

III.—Except as provided in Rules I and V, an officer officiating in a grade immediately superior to his own, shall draw the minimum consolidated pay of that grade; if he be a Military Officer, and the grade in which he is officiating carry staff allowances, he shall draw the same salary as he would draw were he permanently confirmed in the grade in which he officiates.

IV.—Except as provided in Rules I and V, an officer officiating in a grade higher than that immediately superior to his own shall draw an acting allowance of one-fifth of the mean consolidated pay of the grade in which he officiates, provided that the whole salary drawn by him shall not exceed the minimum pay of the grade in which he officiates. If, however, he be a Military Officer, officiating in a grade carrying staff allowances, he shall draw, in addition to the staff allowances of his own grade, an acting allowance of one-fifth of the staff allowances of the grade in which he officiates, provided that the whole salary drawn by him shall not exceed the maximum pay fixed for the grade in which he officiates.

V.—No Assistant Superintendent, when officiating for another Assistant Superintendent of a higher grade, shall draw any acting allowance.

VI.—These rules are to be applied to all officers, Military or Civil, officiating in the superior appointments of the Telegraph Department in all cases, whether in an absolute vacancy or during the absence of the permanent incumbent on general or privilege leave, special duty, or field service.

VII.—The acting allowance to the substitute of an officer on privilege leave will be paid by the State.

VIII.—A Superintendent holding charge of two divisions will receive an allowance of Rs. 100 a month, and any Assistant Superintendent in charge of two sub-divisions Rs. 50 a month. This, however, is only to be allowed under special circumstances, and as a temporary arrangement, and must be reported to the Government of India for confirmation.

96. No increased allowances are payable to any officer of the upper or lower subordinate establishment, or to any Sub-Inspector, for performing duties previously entrusted to one of a higher grade in either of those subordinate establishments.

Extract from the Rules of the appointments, &c., of Officers of the Forest Department under the control of the Government of India.

XII.—As a rule, all officiating appointments will be made to the lowest grade of Assistant or Deputy Conservator, and to the lowest class of Conservator, and in such cases the salary of the officiating officer will be the pay of the lowest grade or class of the office in which he officiates. There being no fixed number in the different grades of the Assistant Conservator and Deputy Conservator, no officiating appointments in the higher grades within these classes will be permitted.

XIII.—If in any special case an officiating appointment is made otherwise than to the lowest grade or class of Assistant or Deputy Conservator, or Conservator, the salary of the officiating office will be regulated by the ordinary rules regarding acting allowance, or will be fixed specially by the Government of India.

MINT AND CURRENCY.

The 12th March 1872.

No. 1843.—With reference to Section 15 of Act III of 1871, the Governor General in Council is pleased to notify for general information that the provisions of Notification by the Government of India, Financial Department, No. 4284, dated 22nd October 1869, are still in force.

The Notification is published below:—

The Governor General in Council directs that it be notified for general information that the payment of any sum of money which any one has to make to Government in any Department can be made in Government Notes of any issue irrespective of Presidency or Circle, and that all Officers of Revenue, Customs, Tax Office, Railway, &c., are hereby authorized to receive payment in Notes of any issue irrespective of Presidency or Circle.

PENSIONS AND GRATUITIES.

The 14th March 1872.

No. 1897.—The Governor General in Council directs the publication of the following additions to Civil Pension Code, 69:—

After "Department"—

and the Inland Customs Department.

At the end of para. 1—

for Officers of the Inland Customs Department whose pay does not exceed Rs. 10, a roll shall be kept similar to that prescribed in Section 109 (*a*) for the Police.

The 15th March 1872.

No. 2032.—ERRATA. In Notification No. 1772, dated 8th March 1872 (Supplement C of Civil Pension Code) published in the *Gazette of India* of 9th idem—

In Section 3, Rule 1, for "often" read "after."

In Section 5, for "£125-15" read "£127-15."

SEPARATE REVENUE.

(POST OFFICE.)

The 14th March 1872.

No. 1829.—In supersession of Financial Notification No. 3585, dated 11th November 1868, the Governor General in Council, under the provision of Section 26 of the Indian Post Office Act, 1866, is pleased to notify that letters posted at any Indian Post Office, and addressed to any place in India, which contain coin or a currency note, or any portion thereof, or postage stamps, cheques, or hoondies, must be registered.

If any such cover, the contents of which are apparent or known, be found in the Letter Box without registration, it shall be registered and charged on delivery with a double registration fee, in addition to any other postage which may be due.

R. B. CHAPMAN,

Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 9th March 1872.

No. 253 *of* 1872.—His Excellency the Governor General of India in Council is pleased to make the following arrangements in the Military Account Department :—

Presidency of Fort St. George.

Lieutenant Colonel C. S. Elliot, Deputy Secretary to Government, Fort St. George, and Officiating Examiner, Pay Department, is appointed permanently to the Military Account Department, to be in charge of the Accounts Branch of the Office of the Controller of Military Accounts at that Presidency, but to continue to officiate as Pay Examiner during the absence on furlough to Europe of Lieutenant Colonel J. G. Touch, or until further orders.

Captain H. G. Pritchard to be in temporary charge of the Accounts Branch of the Office of the Controller of Military Accounts, in addition to his own duties as Officiating Examiner of Ordnance Accounts, until further orders.

No. 254 *of* 1872.—The under-mentioned Officers of the Royal Engineers who have been placed under orders for duty in the Bengal Presidency reported their arrival on the dates specified :—

Lieutenant Frederick Thomas Nelson Spratt,—date of arrival in India, 3rd November 1871.

Lieutenants Duncan Alexander Johnstone, Horatio Arthur Yorke, and Alfred Porcelli,—date of arrival in India, 26th December 1871.

Lieutenant John Frederick Garwood,—date of arrival in India, 20th February 1872.

No. 255 *of* 1872.—The services of the under-mentioned Officers of the Royal Engineers are placed at the disposal of the Public Works Department :—

Lieutenants F. T. N. Spratt, D. A. Johnstone, H. A. Yorke, A. Porcelli, and J. F. Garwood.

No. 256 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.—*4th Sikh Infantry.*

Surgeon J. A. P. Colles, M.D., Officiating in medical charge, to the medical charge, *vice* Assistant Surgeon G. G. McLaren, M.B., appointed to another situation.

No. 257 *of* 1872.—The services of Lieutenant Colonel A. Elderton, of the Bengal Staff Corps, are placed temporarily at the disposal of the Government of Bengal.

The 12*th March* 1872.

No. 258 *of* 1872.—Conductor Patrick Riordan, 1st Class Barrack Master at Lucknow, is promoted to the rank of Deputy Assistant Commissary.

No. 259 *of* 1872.—The following order issued by the Resident at Hyderabad is confirmed :—

No. 37, *dated* 28*th February* 1872.—Directing Lieutenant A. J. Garrett, Wing Subaltern, 3rd Infantry, to proceed and join the 6th Infantry, Hyderabad Contingent, and officiate as Adjutant of that Regiment, during the period Captain Shaw may officiate as 2nd in Command, or until further orders.

No. 260 *of* 1872.—The under-mentioned Hospital Assistant, who has passed his professional examination, is advanced to the higher grade, with effect from the date specified against his name, under the operation of G. G. O. No. 968 of 1870 :—

NAME.	DATE OF COMPLETION OF 14 YEARS' SERVICE.	DATE OF PASSING THE PROFESSIONAL EXAMINATION	DATE FROM WHICH THE PROMOTION WILL TAKE EFFECT.	REMARKS.
To be 1st Class Hospital Assistant.				
Shaikh Imdad Hossein	16th Dec. 1867...	20th July 1871...	20th July 1871.	

No. 261 *of* 1872.—Captain M. Ramsay, of the Bengal Staff Corps, is allowed an extension of leave from the 19th to the 21st December 1871, the date on which he reported his return to Bengal from furlough to Europe on medical certificate.

The 13*th March* 1872.

No. 262 *of* 1872.—Lieutenant W. P. Tomkins, of the Royal Engineers, Executive Engineer, 2nd Grade, Department Public Works, Rangoon, Garrison Division, British Burmah, who was granted furlough to Europe for two years by G. G. O. No. 117, dated 2nd February 1872, is permitted to embark at Calcutta, instead of at Bombay, as previously notified.

No. 263 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Lieutenant Colonel Erskine Nimmo Sandilands, of the Bengal Staff Corps, Executive Engineer, Jullundur Division, Department Public Works, Punjab,—for two years, under the Regulations of 1868, embarking at Bombay.

Lieutenant Colonel Edmund Henry Cullen Wintle, of the Bengal Staff Corps, Cantonment Magistrate and Judge, Small Cause Court, Dum-Dum,—for two years, under the Regulations of 1868.

Major Patrick Carfrae Dalmahoy, of the late 60th Native Infantry, Assistant Inspector General, Government Railway Police, North-Western Provinces,—for two years, under the Regulations of 1868, embarking at Bombay.

Major Henry Edward Whish, of the Bengal Staff Corps, Executive Engineer, 2nd Allahabad Division, Department Public Works, North-Western Provinces,—for two years, under the Regulations of 1868, embarking at Bombay.

Major George Cadogan Thomson, of the Bengal Staff Corps, 2nd Squadron Officer, 1st Bengal Cavalry,—for two years, under the Regulations of 1868, embarking at Bombay.

Major Edward Thompson, C. S. I., of the Bengal Staff Corps, Deputy Commissioner, Oude,—for two years, under the Regulations of 1868, embarking at Bombay.

Major Edmund John Lemoyne Twynam, of the Bengal Staff Corps, Executive Engineer, Prome Division, Department Public Works, British Burmah,—for two years, under the Regulations of 1868.

Captain Hatley Frere Woodcock, of the General List, Infantry, Quarter Master, 5th Regiment of Native (Light) Infantry,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 264 *of* 1872.—The under-mentioned Native Commissioned Officer of the 11th Bengal Cavalry (Lancers), declared unfit for further service by a special Invaliding Committee, is transferred to the Pension Establishment :—

RANK.	NAME	IN WHAT RANK PENSIONED.	CIRCLE OF PAYMENT.
Jemadar, late Naib Ressaldar ...	Rajah Bhawul Bux	Jemadar ...	Trans-Ravee.

No. 265 *of* 1872.—Native medical pupil Kurreem Khan, No. 61, who was admitted into the service by G. G. O. No. 389, dated 27th April 1871, is dismissed the service.

The 14*th March* 1872.

No. 266 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain Joseph George Thomson Carruthers, of the General List, Infantry, Adjutant, 21st (Punjab) Regiment of Native Infantry,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain Harry De Brett, of the Bengal Staff Corps, Wing Officer, 18th (The Alipore) Regiment of Native Infantry,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 267 *of* 1872.—The under-mentioned Officers have reported their return from England:

Lieutenant Colonel (Brevet Colonel) O. J. McL. Farrington, of the Bengal Staff Corps, Commissioner, Lahore Division, Punjab, and Captain O. M. Graham, of the Bengal Staff Corps, Sub-Assistant Commissary General, 1st Class,—date of arrival at Bombay, 23rd February 1872.

Colonel R. Maclagan, of the Royal Engineers, Chief Engineer, 1st Class, and Secretary to Government, Punjab,—date of arrival at Bombay, 1st March 1872.

Major General F. Turner, C. B., of the Royal Artillery, Inspector General of Ordnance and Magazines, and Captain the Hon'ble G. C. Napier of the General List Infantry, Assistant Commissioner, Punjab,—date of arrival at Fort William 10th March 1872.

No. 268 *of* 1872.—The undermentioned Officer of the Bengal Staff Corps, having completed 20 years' service, as promoted to the rank of Major from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval:

Captain (Brevet Major) Albert Seagrim, 12th March 1872.

No. 269 *of* 1872.—In continuation of G. G. O. No. 627 of the 17th June 1870, it is hereby notified that an Officer who may proceed to England on furlough on private affairs, and be obliged there to obtain an extension on medical certificate, will be thenceforward entitled to the same advantages, and subject to the same disadvantages, as to retention of appointment, pay, &c., as if he had originally obtained leave on medical certificate.

No. 270 *of* 1872.—Lieutenant Colonel (Brevet Colonel) C. V. Bowie, of the Royal Artillery, Agent for Gun Carriages, Futtehgurh, is allowed leave of absence for one month, from the 13th February 1872, to visit Bombay, preparatory to obtaining furlough to Europe on medical certificate.

No. 271 *of* 1872.—Lieutenant Colonel H. R. Wroughton, of the Bengal Staff Corps, Deputy Assistant Commissary General, 2nd Class, is allowed leave of absence for one month from the 15th March 1872, or from such subsequent date as he may avail himself of it, to visit Bombay, preparatory to applying for furlough to Europe on medical certificate under the Regulations of 1868.

No. 272 *of* 1872.—The under-mentioned Officers have reported their departure for Europe on the dates specified:—

Surgeon Major J. Fayrer, M. D., C. S. I., of the Medical Department, G. G. O. No. 168 of 1872, *Indus*, 1st March 1872.

Lieutenant Colonel C. L. Montgomery, of the Bengal Staff Corps, G. G. O. No. 158 of 1872; and Captains C. J. Durand, of the Bengal Staff Corps, G. G. O. No. 213 of 1872, and N. J. Jones, of the late 15th Regiment Native Infantry, G. G. O. No. 1156 of 1871, *Sirius*, 8th March 1872.

No. 273 *of* 1872.—That portion of the G. G. O. No. 1094 of 1871, which grants furlough to Europe to Captain H. A. Lewes, of the Bengal Staff Corps, Wing Officer, 5th Regiment of Native (Light) Infantry, will be considered to bear date the 15th February 1872.

No. 274 *of* 1872.—Major General Henry Frederick Dunsford, C. B., of the Bengal Staff Corps, is permitted to proceed to Europe under the provisions of Minute of Council of the 5th June 1797 (Section X, Pay Code of 1845, paragraph 7).

No. 275 *of* 1872.—The following notification issued by the Financial Department is re-published for general information —

No. 1753—Read the following :—

FINANCIAL. INDIA OFFICE,

No. 48. *London, 1st February* 1872.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—I have to acquaint you that the rate of exchange for the adjustment of Financial transactions between the Imperial and Indian Governments for the year 1872-73 has been fixed with the concurrence of the Lords Commissioners of the Treasury at one shilling and eleven pence half penny (1*s* 11½*d.*) the rupee, and I have to request that you will give the necessary instructions for the due observance of this rate in respect of all transactions to which it is applicable.

I have &c.,

(Sd) ARGYLI

ORDERED, that the above despatch be published in the *Gazette of India* for general information.

No. 276 *of* 1872.—The services of Surgeon J A P Colles, M D, in medical charge of the 4th Sikh Infantry, Punjab Frontier Force, are placed temporarily at the disposal of the Government of Bengal.

The 15*th March* 1872

No. 277 *of* 1872.—The following order issued by the Government of Bombay is confirmed :—

No. 147, *dated* 22*nd February* 1872 —Granting furlough to Europe on medical certificate to the under-mentioned Officer :—

Lieutenant Colonel (Brevet Colonel) Charles Vincent Bowie, of the Royal Artillery, Agent for Gun Carriages,—for eighteen months, under the Regulations of 1868, with effect from the 26th February 1872, the date of departure from Bombay per Steamer *Peshawur*

No. 278 *of* 1872.—The following order issued by the Government of Bombay is confirmed :—

No. 128, *dated* 19*th February* 1872 —Granting furlough to Europe on medical certificate to the under-mentioned Officer :—

Lieutenant Colonel Edward Winterton Dun, of the Madras Staff Corps, Commandant 6th Infantry, Hyderabad Contingent, for two years, under the Regulations of 1868, with effect from the 26th February 1872, the date of departure from Bombay.

No. 279 *of* 1872.—Agreeably to G. G. O. No. 94, dated 1st May 1837, the under-mentioned widow is admitted to pension, equal to that conferred by the Third Class Order of Merit on her late husband for three years, commencing from the date of the casualty :—

Name of Claimant	Age.		Height		Caste	Personal appearance and particular marks	Village and District	Nature of relationship to the deceased	Description of the deceased relation on whose account claims are made			Date of Admission	Date of Committee's Proceedings	For what period	By what Pension Pay Master payable.
	Years.	Months	Feet.	Inches					Name	Rank	Last Corps				
Kheama or Peamun	55	0	5	0	Bhat	Olive complexion Mole on upper lip, mark of nose-ring on left nostril	Hosaingunge, Lucknow	Widow ..	Ram Kissen Roy	Sepoy	Sappers and Miners	25th Aug 1869	14th Mar 1869	Three years ...	Allahabad

No. 280 *of* 1872.—Native Medical Pupil Mahomed Wazeer, No. 171, whose admission into the service was notified in G. G. O. No. 389, dated 27th April 1871, is dismissed the service, with effect from the 25th December last.

No. 281 *of* 1872.—Supernumerary Surgeons Thomas Edmondston Charles, M. D., William Roche Rice, M. D., and Richard Theophilus Abbott, M. D., of the Medical Department, are brought on the Establishment of Surgeons to fill existing vacancies.

No. 282 *of* 1872.—The services of Lieutenant T. O. Wingate, of the 21st Foot, a candidate for the Bengal Staff Corps, are placed at the disposal of the Public Works Department.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 9th March 1872.

No. 146.—Mr. W. C. L. Floyd is appointed temporarily to the Public Works Department as an Assistant Engineer of the 1st Grade, and posted to the Indore State Railway.

The 11th March 1872.

No. 148.—Mr. B. Rees is appointed to the Public Works Department as a Sub-Engineer of the 3rd Grade on probation, and posted to the Agra District of the Rajpootana (State) Railway, with effect from the 12th February 1872.

The 12th March 1872.

No. 149.—Mr. W. Henderson, Executive Engineer, 3rd Grade, and Mr. G. C. F. Barnardo, Assistant Engineer, 2nd Grade, are transferred from the Mysore State Railway to the Neemuch Railway Survey.

No. 150.—Lieutenants F. N. Hassard and M. Laugharne, of the Royal Engineers, are appointed to the Public Works Department as Assistant Engineers of the 2nd Grade, and posted, the former to the Indore State Railway, and the latter to the North-Western Provinces.

The 15th March 1872.

No. 151.—The Viceroy and Governor General in Council has been pleased to direct that the railway about to be constructed from Khundwa on the Great Indian Peninsula Railway to Indore, hitherto called the "Indore (State) Railway," shall in future be styled the "Holkar (State) Railway."

No. 152.—Mr. D. A. Bruce, Probationary Assistant Controller, 3rd Grade, North-Western Provinces, is permitted, at his own request, to resign his appointment in the Public Works Department.

No. 153.—Mr. W. H. Brand, Assistant Auditor, Oudh and Rohilkund Railway Accounts, is transferred, temporarily, to the North-Western Provinces in the rank of Assistant Controller, 3rd Grade.

No. 154.—Mr. G. J. Lynn, Accountant, 3rd Grade, Rajpootana (State) Railway, is appointed, temporarily, Assistant Auditor, Oudh and Rohilkund Railway Accounts, with rank of Assistant Controller, 3rd Grade.

No. 155.—Jhanjeerjee Nusseerwanjee, Accountant, 4th Grade, Rajpootana, is transferred to the Rajpootana (State) Railway.

No. 156.—Mr. J. H. May, Probationary Sub-Engineer, 3rd Grade, Irrigation Branch, Punjab, is permanently appointed to the Department in that grade.

No. 157.—Lieutenant Colonel E. Davidson, R. E., Officiating Superintending Engineer, on special duty under the Inspector General of Military Works, is posted to the North-Western Provinces as an Officiating Superintending Engineer.

C. H. DICKENS, *Colonel, R. A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 16, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 12th March 1872.

No. 18.—Mr. J. Ovens, an Assistant Superintendent of the 3rd Grade, is granted privilege leave for two months, under paragraph 16 of the Uncovenanted Service Absentee Rules, with effect from the 1st April 1872, or such subsequent date as he may avail himself of it.

No. 19.—Mr M. R. Trower, an Assistant Superintendent of the 2nd Grade, is granted three months' privilege leave, under paragraph 16 of the Uncovenanted Service Absentee Rules, with effect from the 1st April 1872, or such subsequent date as he may avail himself of it.

No. 20.—Mr. J. G. Pope, an Assistant Superintendent of the 3rd Grade, is granted three months' privilege leave, under paragraph 16 of the Uncovenanted Service Absentee Rules, with effect from the 15th June 1872, or such subsequent date as he may avail himself of it.

The 15th March 1872.

No. 21.—Mr. A. Cappel, Officiating Deputy Director General, availed himself, on the 15th instant, of the three months' privilege leave granted to him in Public Works Department Notification No. 139 of the 7th March 1872.

R. MURRAY, *Lieut. Colonel,*
Offg. Dir. Genl. of Tels. in India.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
March 4th, 1872 ...	6,94,000	...	31,44,417	7,470	81,26,487
„ 5th „ ...	...	4,43,027	27,28,199	4,30,041	81,26,487
„ 6th „ ...	...	4,50,984	22,95,304	4,71,016	85,26,487
„ 7th „ ...	...	4,20,408	18,82,397	4,90,870	89,26,487
„ 8th „ ...	...	4,46,944	16,69,303	50,872	93,76,487
„ 9th „ ...	...	4,69,344	12,55,736	5,07,787	98,26,487

CALCUTTA MINT,
The 11th March 1872.

H. HYDE, *Lieut.-Colonel,*
Mint Master.

Statement of Transactions of District Savings Banks for the week ending 14th March 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.			WITHDRAWALS.						BALANCE.		
		No.	Amount.			No.	Amount, Principal.			Amount, Interest.			
			Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.	Rs. A. P.
Bengal	45	76	4,515	13	6	27	3,075	12	3	31	14	10	1,96,901 15 10
N.-W. Provinces ...	13	35	1,809	5	8	10	3,260	5	10	48	6	11	62,653 4 10
Punjab	13	15	2,265	4	0	2	800	0	0	4	11	0	49,997 12 2
Oude	6	5	660	0	0	3	256	10	7	4	2	4	19,533 2 1
Central Provinces ...	4	6	725	0	0	5	165	8	0	2	10	5	35,445 15 6
British Burma ...	6	1	200	0	0	1	30	0	0	...			8,145 3 5
Berar	2	5	170	0	0	...	...			...			10,643 7 1
India	3	...	...			1	10	0	0	...			17,111 10 5
TOTAL ...	92	143	10,345	7	2	49	7,598	4	8	91	13	6	4,00,422 7 4

CALCUTTA,
The 14th March 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 12th March 1872.

LIABILITIES.		Rs.	A.	P.
Proprietors' Capital, paid-up ...		2,20,00,000	0	0
Reserve Fund		15,40,456	1	8
	Rs. A. P.			
General Treasury Balance at Head Office	3,42,22,153 3 0	5,30,59,883	1	3
General Treasury Balance at Branches...	1,88,37,729 14 3			
Other Deposits at Head Office and Branches		2,14,43,580	14	4
Bank Post Bills, &c.		10,26,581	12	3
Sundries		9,47,565	2	5
TOTAL ...		10,00,18,066	15	11

ASSETS.		Rs.	A.	P.
Government Securities ...		89,17,593	4	0
Loans on Government Securities at Head Office and Branches ...		76,86,945	8	11
Accounts of Credit on Government Securities at Head Office and Branches		1,40,74,723	1	11
Mercantile Bills discounted at Head Office and Branches ...		2,06,54,811	0	3
Dead Stock		11,87,407	0	6
Stamps		13,627	8	0
Balances with other Banks ...		5,46,516	1	1
Sundries		1,45,997	3	2
		5,32,27,620	11	10
	Rs. A. P.			
Cash and Currency Notes at Head Office	1,60,18,449 11 4	4,67,90,446	4	1
Cash and Currency Notes at Branches	3,07,71,996 8 9			
TOTAL ...		10,00,18,066	15	11

By order of the Directors,

BANK OF BENGAL;
Calcutta, 14th March 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

NORTHERN STATE RAILWAY.

NOTIFICATIONS.

Dated the 9th March 1872.

No. 1.—Mr. A. Stephens (since deceased), Supervisor, 2nd Grade, Ravee Bridge Division, Punjab Northern State Railway, has been granted six months' leave, on medical certificate, in extension of the leave granted him by Railway Department Schedule of Authorizations for the week ending 18th November 1871.

No. 2.—Sergeant M. Johnstone, Sub-Engineer, 2nd Grade, is transferred from the Kharian Division to the Rawulpindee Survey Division, No. II, of the Punjab Northern State Railway. The transfer is in the interests of the public service.

CHARLES POLLARD, *Lieut. Col., R. E.,*
Consulting Engr. to the Govt. of India for Railways in Punjab.

RAJPOOTANA STATE RAILWAY.

NOTIFICATION.

Agra, the 5th March 1872.

No. 259.—Leave of absence for six months on private affairs, under the Resolution of Government of India, Public Works Department, Railway, No. 516—20 E.-R., dated 9th November last, is granted to Mr. John Beale, Sub-Engineer, 1st Grade, attached to the Agra Division, Rajpootana State Railway, from such date as he may avail himself thereof.

W. C. FURNIVALL,
Supdg. Engineer, A. D., R. S. R.

MONEY ORDER OFFICE.

NOTIFICATION.

Calcutta, the 15th March 1872.

The Money Order Office at Dalhousie in the Punjaub (closed during winter) has been re-opened on the 1st instant.

New Money Order Offices have been opened in the Madras Presidency—
at Badagara (Malabar District),
and at Juggiahpettah (Kistna District).

HUGH SANDEMAN,
Offg. Comptroller General.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 15th March 1872.

Mails for the Straits and Hong-Kong, for transmission per Steamers *Hindoostan* and *Glenartney,* will be closed at this Office on Saturday, the 16th March, at 7 P. M.

Mails for Akyab, Rangoon, and Moulmein, for transmission per Steamer *Burmah,* will be closed at this Office on Sunday, the 17th March, at 7 P. M.

The next Overland Mail *viâ* Bombay will close on Friday, the 22nd March 1872.

2. Book post and pattern packets must be posted on the 21st.

3. Letters, &c., for Mauritius, St. Denis, Réunion, can be sent by this opportunity.

N. B.—The Letter-box will close at 7 P. M. precisely, after which hour Overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

The 4th March 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 2nd March 1872.

Andrews, F.
Archer, A. O.
Arnold, R. J.
Arnold, J.
Atkinson, Mrs. J.
Arrow-Smith, Mrs. A. A.
Brown, Mrs. E.
Burns, Capt. J.
Barker, J. C.
Bernard, Mrs.
Bradley, H.
Campbell, J. W.
Card, A.
Carris, Madame.
Clabon, G.
Clarke, Mrs. E. H.
Chunder, M. C., & Co.
Daunt, E.
Dhurumsee Kanjee.
Douglas, deWet J. V.
Duffin, C.
Daley, E. B.
Drum, Inspector.
Ewor, J. B.
Forbes, Mrs. C.
Fraser, Mrs. M.
Forbes, Mrs. Col.
Gomes, Mrs. A.
Goodall, Miss C.
Greene, J.
Gerard, W.
Grant, J. W.
Gomes, J. M.
Geary, Miss E.
Hunter, Qr. Mr. Sergt.
Hill, W.
Hooke, J.
Hoof, L. B.
Irving, Major Genl.
Jones, S.
Jury, Mrs.
Keemer, J.
Kelly, J.
Kenny, N.
Kennedy, Mrs. E.
Keating, B.
Lane, Capt. D..F. M.
Lyons, Armourer Sergt.
Lloyd, E. H.
Lewis, W. J.
Massiem, Mrs.
Mier, Coiroo.
M. Pratapa C. Ebasha.
McIntosh, J.
McClean, J. B.
Mantell, Mrs.
Oakley, W. H.
O'Donoghue, C.
Pine, J.
Parker, Surg. C. R. G.
Ritchards, Mrs.
Rouse, W.
Raven, C. W.
Simpson, J. F.
Shave, E. D.
Saurie, Mrs. C.
Smith, E. B.
Strettle, Mrs.
Taylor, A. F.
Vincent, Mrs. M. E.
Verey, J. G.
Williams, Mrs. H.
Westropp, W. W.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 9th March 1872.

Alderman, G. R.
Abram Thundelhagan.
Archer, A. O.
Andrews, J.
Blain, W.
Barter, J. H.
Boase, J.
Boileau, T.
Bernard, Capt.
Bridgnell, Mrs.
Bartlett, Mrs. S.
Brodie, M.
Baptist, A.
Beverley, G. W.
Curtis, A.
Conolly, Lieut. A.
Canian, J.
Cunningham, F. E.
Castello, A. J.
Courtney, Dr.
D'Silva, G.
Dickenson, J. C.
Dunne, Mrs.
Drageon, Mrs. L.
D'Souza, E. L.
Dumas, S.
Dawson, G. F.
Darwood, J.
D'Silva, G.
Findon, Mrs. C.
Fanshawe, A. N.
Fleury & Co.
Fisher, Mrs. F.
Frazer, Mrs. E.
Grant, J. W.
Garnett, Capt. A. P.
Gore, Capt. F. A.
Geraldino.
Graham, C.
Green, Mrs. L.
Godino, J.
Gibson, J. E. E.
Herrn, D.
Harriss, J.
Hill, A. D.
Hunt, G.
Hinde, H. M.
Jennkins, Lieut. Col. J. H.
Jebson & Co.
Jackson, H. B.
Joseph, Mr.
Joseph, Mrs. R.
Killery, Mrs.
King, Mrs. J. F.
Lee, J. P.
Leggatt, Mrs. A. T.
LiDhe, Miss.
Millar, J. B.
Murray, K.
Marselli, Capt.
Mainwarning, Col. G.
McKoy, T. P.
Meyaries, Miss L.
Malone, T.
McPhaie, J. W.
McIntyre, J.
Mass, T.
Murray, J. A. P.
Martin, Mr. A.
North, Mrs. J.
Nesbitt, Mrs.
Nicholis, Col. J. E. T.
O'Connor, C. J.
O'Connell, Col. P.
Parker, V. C. E.
Packe, Mrs. C. F.
Ricchurn Mullick.
Reid, R. L.
Redford, Mrs.
Randall, Lieut. Col. W. L.
Radford, Mrs.
Sheringham, Lieut.
Small, J.
Schlachter, J.
Shead, J.
Smith, A. E.
Smith, J.
Tonkin, Lieut. W. P.
The Landlord, 1, Creek Row.
Thomson, R.
Travers, E. E.
Tyrrell, Armourer Sergt. T.
Turner, P. J.
Thomas, T. W.
Watkins, Mrs. E.
Watkins, J. H.
Williamson, Mrs. J.
Wright, S.
Wells, Miss.
Watson, J. E.
Woodroffe, G., & Co.
Windsor, Dr.
Wood, Esq.
White, R.
Young, Miss E.

W. H. McGOWAN,
Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 16, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

BENGAL PRINTING CO., "LD.," IN LIQUIDATION.

Notice.

Notice is hereby given that there will be a General Meeting of the Shareholders held at No. 4, Mission Row, on Thursday, the 28th of March 1878, at 4 o'clock P. M., to receive the Liquidator's Report, for the passing of the Accounts, and for the final closing of the Company's business.

By order of the Liquidator.

4, MISSION ROW,
The 1st March 1872.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted a Draftsman who can make drawings from dimensioned free-hand sketches and print with neatness and despatch. Maximum salary Rs. 80 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted a Clerk accustomed to the work of an Executive Engineer's Office, and who can write routine letters in good English. Maximum salary Rs. 60 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted for the Jhelum Bridge Division, Divers, European and Native, accustomed to the use of diving apparatus.

A. R. BAYLY, *Major,*
Executive Engineer, J. B. Division.

Notice.

Mr. James Drummond Maxwell, and also Mr. Robert McDonald Ross and Mr. Hugh Walker Tulloch are authorized to sign our Firm from this date.

J. NICOL, FLEMING & CO.

CALCUTTA,
The 7th March 1872.

Report of a Deserter from the 107*th Regiment of Foot,—dated at Dum-Dum, this* 9*th day of March* 1872.

Number, Rank, and Name.	Age	Size		Color of			Date of Desertion.	Place of Desertion	Date of Enlistment.	At what place enlisted	Parish and County in which born.	Marks.	Trade	Coat or Jacket.	Waistcoat	Breeches or Trowsers.	Remarks
		Feet	Inches	Complexion.	Hair.	Eyes.											
No. 1409, Private, John Cook	32 years 6 months	5	5	Fresh.	Light-brown	Hazel.	2nd March 1872	Barrackpore.	1st October 1859	Liverpool, Lancaster	Newcastle, Stafford.	None.	Laborer	Serge Frock.	None.	White.	

C. M. N. FELLOWES, *Lieut. Colonel,*
Commanding 107*th Regiment.*

Report of a Deserter from the 107*th Regiment of Infantry,—dated at Dum-Dum, this* 12*th day of March* 1872.

Number, Rank, and Name.	Age.	Size.		Color of			Date of Desertion	Place of Desertion.	Date of Enlistment.	At what place enlisted.	Parish and County in which born	Marks.	Trade.	Coat or Jacket.	Waistcoat.	Breeches or Trowsers	Remarks
		Feet.	Inches.	Complexion	Hair.	Eyes.											
No 2774, Private, William Jakes	23 years 9 months	5	6¼	Dark.	Black	Dark	8th March 1872	Dum-Dum.	27th June 1867.	Wolverhampton	St Thomas', Worcester.	None.	Miner	Red Serge Tunic.	None	Serge Trowsers.	

C. M. N. FELLOWES, *Lieut. Colonel,*
Commanding 107*th Regiment.*

Report of a Deserter from the 107th Regiment of Infantry,—dated at Dum-Dum, this 12th day of March 1872.

Number, Rank, and Name	Age	Size		Color of			Date of Desertion	Place of Desertion	Date of Enlistment	At what place enlisted	Parish and County in which born	Marks	Trade	Coat or Jacket	Waistcoat	Breeches or Trowsers	Remarks
		Feet	Inches	Complexion	Hair	Eyes											
No 2751, Private, Jacob Ashworth	22 years 9 months	5	9	Fresh	Fair	Blue	8th March 1872	Dum Dum	1st June 1867	Manchester	Oldham, Lancaster	None	Weaver	Red Serge Tunic	None	Serge Trowsers	

C. M. N. FELLOWES, *Lieut. Colonel,*
Commanding 107th Regiment.

Report of a Deserter from the 107th Regiment of Infantry,—dated at Dum-Dum, this 12th day of March 1872.

Number, Rank, and Name	Age	Size		Color of			Date of Desertion	Place of Desertion	Date of Enlistment	At what place enlisted	Parish and County in which born	Marks	Trade	Coat or Jacket	Waistcoat	Breeches or Trowsers	Remarks
		Feet	Inches	Complexion	Hair	Eyes											
No 2750, Private, Robert Atkinson	22 years 9 months	5	6	Fresh	Brown	Blue	8th March 1872	Dum Dum	1st June 1867	Manchester	Salford, Lancaster	None	Laborer	Red Serge Tunic	None	Serge Trowsers	

C. M. N. FELLOWES, *Lieut. Colonel,*
Commanding 107th Regiment.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 14713 of 20031, of the 4 per cent. loan of 1842-43, for Company's Rs. 500, last endorsed to Bazenjee Furdoonjee, the Proprietor (by whom it was never endorsed to any other person). Payment of the above Note, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor.

BAZENJEE FURDONJEE,
Parsee Merchant.

JHANSI,
The 14th February 1872.

A Government Security, component No. 1108, of 4 per cent. loan of 1842-43, for Rs. 500, which was never endorsed to anybody.

THOS. REDDIE.

Government Promissory Notes Nos. 004176 for Rs. 3,000, 004187 for Rs. 2,000, 009729 for Rs. 1,000, and 005332 for Rs. 500, all of 5½ per cent. loan of 1859-60.

LUCKEYDAS MOOSTOFFY.

MAPS OF THE SURVEY OF INDIA

Published at the Surveyor General's Office, Calcutta, during the month of February 1872.

Sole Agents in Calcutta—Messrs. Thacker, Spink & Co.

Description.	Size.	Price. Unmounted.
		Rs. A.
GENERAL MAPS. *Scale 4 Miles = 1 Inch.*		
Sindh Compilation, Sheet No. 6	Imperial ...	1 0
Do. Sheet No. 1	Ditto ...	1 0
REVENUE SURVEY MAPS. *Scale 1 Mile = 1 Inch.*		
District Chanda, Sheet No. 2 (2nd edition)	Double Royal ...	1 8
Do. Peshawur, Sheet No. 1	Double Elephant ...	1 8
Do. do. Sheet No. 4	Ditto ...	1 8
Do. do. Sheet No. 8	Ditto ...	1 8
District Raepoor, Main Circuit, No. 20 (Anastatic)	Ditto ...	2 0
Do. Mymensing do. Nos. 27 & 31 do.	Imperial ...	1 8
Do. do. do. Nos. 32 & 33 do.	Ditto ...	1 8
Do. do. do. Nos. 34, 35 & 36 do.	Double Elephant ...	1 8
Do. do. do. No. 37 do.	Atlas ...	1 8
TOPOGRAPHICAL SURVEY MAPS. *Scale 1 Mile = 1 Inch.*		
Bundelcund, Sheet No. 43	Double Elephant ...	1 0
Do. Sheet No. 44	Ditto ...	1 0
Do. Sheet No. 46	Ditto ...	1 0
Rewah, Sheet No. 2	Ditto ...	1 0
Central Provinces, Sheet No. 17	Ditto ...	1 0
Scale 4 Miles = 1 Inch.		
Degree Sheet V Central Provinces (Sheets Nos. 14, 15, 16) ...	½ Sheet D. Elephant ...	0 8
DISTRICT MAPS. *Scale 2 Inches = 1 Mile.*		
Pergunnah Sunaouth, District Balasore...	2 Sheets Imperial ...	1 8
PLANS OF CANTONMENT, CITY & CIVIL STATION. *Scale 16 Inches = 1 Mile.*		
Civil Station and Environs of Khandwa	4 Sheets Imperial ...	3 0
Scale 8 Inches = 1 Mile.		
Civil Station and Environs of Khandwa	Atlas ...	1 8

SURVEYOR GENERAL'S OFFICE; *Calcutta, 4th March* 1872.

H. L. THUILLIER, *Colonel, Surveyor General of India.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
Notes wholly lost or destroyed.			
		Rs.	
4580 ...	$\frac{A}{55}$76684 ...	500 ...	Kissen Ram.
	$\frac{A}{57}$59286 ...	50 ...	
4581 ...	$\frac{A}{55}$59653 ...	50 ...	Baboo Prannath Roy Chowdry.
	$\frac{A}{55}$59654 ...	50 ...	
	$\frac{A}{55}$59657 ...	50 ...	
	$\frac{A}{55}$78847 ...	50 ...	
4588 ...	$\frac{A}{50}$04062 ...	10 ...	Tara Dutt.

CALCUTTA CIRCLE,—*continued.*

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed,—continued.		
		Rs.	
4590 ...	A/88 81810 ...	1,000 ...	Baboo Kadernath Mitter.
	A/90 66051 ...	100 ...	
	A/90 67307 ...	100 ...	
	A/90 44996 ...	100 ...	
4591 ...	A/84 39546 ...	100 ...	Bindrabun Raveteepershad.
	A/84 34367 ...	100 ...	
	A/84 50942 ...	100 ...	
4592 ...	A/85 33938 ...	50 ...	J. D. White, Esq.
4593 ...	A/95 99801 ...	10 ...	Baboo Gonesh Chunder Roy.
	A/95 99804 ...	10 ...	
	A/95 99805 ...	10 ...	
	A/95 99802 ...	10 ...	
	A/41 95507 ...	10 ...	
	A/88 04227 ...	10 ...	
	A/88 04226 ...	10 ...	
	A/88 04224 ...	10 ...	
	A/96 18456 ...	10 ...	
	A/95 99576 ...	10 ...	
	A/98 00112 ...	10 ...	
	A/88 04226 ...	10 ...	
	A/68 46118 ...	10 ...	
	A/79 19530 ...	10 ...	
	A/84 50355 ...	10 ...	
	A/95 41221 ...	10 ...	
	A/77 14677 ...	10 ...	
	A/88 04219 ...	10 ...	
	A/88 39174 ...	10 ..	
	A/97 27514 ...	10 ...	
	A/97 27517 ...	10 ...	
	A/97 27515 ...	10 ...	
	A/97 27516 ...	10 ...	
	A/97 27513 ...	10 ...	
	A/97 27545 ...	10 ...	
	A/97 27510 ...	10 ...	
	A/97 26132 ...	10 ...	
	A/97 26133 ...	10 ...	
	A/97 26134 ...	10 ...	
	A/97 26135 ...	10 ...	
	A/97 26136 ...	10 ...	
	A/98 65021 ...	10 ...	
	A/97 26118 ...	10 ...	
	A/97 26119 ...	10 ...	
	A/98 65839 ...	10 ...	
	A/97 65838 ...	10 ...	
	A/97 65879 ...	10 ...	
	A/95 40370 ...	20 ...	
	A/95 40436 ...	20 ...	
	A/95 40435 ...	20 ...	
	A/95 40434 ...	20 ...	
	A/94 46858 ...	20 ...	
	A/94 75750 ...	20 ...	
	A/95 75757 ...	20 ...	
	A/93 75758 ...	20 ...	
	A/93 75759 ...	20 ...	
	A/96 75760 ...	20 ...	
	A/93 13490 ...	20 ...	
	A/93 75718 ...	20 ...	
	A/93 77199 ...	20 ...	
	A/93 75753 ...	20 ...	
	A/93 75744 ...	20 ...	

CALCUTTA CIRCLE,—*concluded.*

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed,—concluded.		
		Rs.	
	A/93 06819 ...	20 ...	Baboo Gonesh Chunder Roy.
	A/83 05325 ...	50 ...	
	A/83 09695 ...	50 ...	
	A/85 20720 ..	50 ...	
	A/83 11003 ...	50 ...	
	A/85 45268 ...	50 ...	
	A/85 54713 ...	50 ...	
	A/68 53973 ...	50 ...	
	A/83 54784 ...	50 ...	
	A/57 95927 ...	50 ...	
	A/90 12763 ...	100 ...	
	Notes partially lost or destroyed.		
		Rs.	
4582 ...	A/88 03042 ...	20 ...	Baboo Dwarkanath Chuckerbutty.
	A/89 76252 ...	20 ...	
4583 ...	A/95 93304 ..	10 ...	Baboo Juggobundhoo Goopto.
4584 ...	A/91 18877 wrongly joined A/97 14935 wrongly joined	10 ...	Hurkuru Doss Ramchurn Doss.
4585 ...	A/97 41857 ...	20 ...	Hajee Hussun Ali.
4586 ...	A/93 82517 ...	20 ...	A. J. Oldham, Esq.
4587 ...	A/95 09946 wrongly joined A/95 79694 wrongly joined	10 ...	Messrs. P. S. D'Rozario & Co.
4589 ...	A/48 64734 ...	10 ...	C. T. Davis, Esq.
4594 ...	A/90 00021 ..	100 ...	Aubusally.
4595 ...	A/94 10160 wrongly joined A/94 10159 wrongly joined	20 ...	Baboo Gonesh Chunder Paul.
4596 ...	A/97 49899 ...	10 ...	F. Lemarchand, Esq.
4597 ...	A/84 99324 ...	100 ...	Basakharam Hurdial.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 14th March 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

ALLAHABAD CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Note wholly lost or destroyed.		
		Rs.	
111 ...	D/4 09143 ...	50 ...	Moulvie Mohummed, Allahabad.
	Notes partially lost or destroyed.		
		Rs.	
266 ...	D/5 24017 ...	20 ...	Mrs. M. Cline, Allahabad.
267 ...	D/6 51295 ...	10 ...	Agent, Uncovenanted Service Bank, Allahabad.
268 ...	D/6 37363 wrongly joined D/6 37362 wrongly joined	10 ...	M. L. Mitter, Baraitch, Oudh.
269 ..	D/5 11649 ...	20 ...	J. H. Prinsep, Esq., C. S., Cawnpore.
270 ...	D/6 05173 ...	10 ...	Chitoo Bhistee, Allahabad.

PAPER CURRENCY OFFICE;
ALLAHABAD,
The 8th March 1872.

S. JENNINGS, *A. A. G.,*
for *Depy. Commr. of Paper Currency.*

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes partially lost or destroyed.		
1871-72.		Rs.	
100 ...	C/65 46627 ...	50 ...	Messrs Fernandez & Co., Chemists, Fort.
104 ...	C/67 02135 ...	20 ...	Mr. Adurje Edulje, Surat.
111 ...	C/70 28061 ...	100 ...	Messrs. Heerje M. & Sons, Parsee Merchants, 7, Apollo Street.
114 ...	C/77 08828 ...	10 ...	Framje Hormusje, Daroo-walla, Fort Mody Khana.
115 ...	C/68 84722 ...	50 ...	Moraba Rungoba, Fort Police Court.
A/41 ...	C/74 99285 wrongly joined C/75 51668	10 ...	Antone Fernandez, Cavel Street.

PAPER CURRENCY OFFICE; BOMBAY, *The 6th March* 1872.

A. R. GORDON, *Assistant Commissioner.*

CALICUT CIRCLE

NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.	
	Rs.	
J/5 29615 ...	100 ..	T. J. Fergusson, Esq., Calicut.
J/4 22470 ...	100 ...	
J/5 14459 ..	100 .	
J/3 35157 ...	100 .	
J/4 23563 ...	100	
J/3 31977	100	
J/4 31627 ...	100 ..	
J/3 30800 ...	100 ..	
J/5 27975 ..	100 ...	
J/3 33311 ...	100 ..	
J/3 31401 ...	100	
J/5 32142 ..	100 .	
J/3 32495 ..	100 ...	

PAPER CURRENCY OFFICE; CALICUT, *The 6th March* 1872.

P. A. COLE, *Deputy Collector, In charge of Paper Currency.*

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes partially lost or destroyed.		
		Rs.	
28 ...	E/3 20942 ..	50 ..	Sowdagur Mull, Station Gomashta, Sealkote.
	E/4 20943 .	50	

PAPER CURRENCY OFFICE; LAHORE, *The 9th March* 1872.

R. A. FINK, *A. A. G.,* for *Deputy Commissioner.*

MADRAS CIRCLE.

REGISTER NO.	NO. OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.		
775 ...	$\frac{B}{51}$19542 ...	Rs. 10 ...	Shahaboodeen Sahib, Moonshee of Anugoondy Sumstanam, care of Rajabully Sahib, Deputy Post Master, Hospett.

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 4th March 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 16, 1872.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1872, and is hereby promulgated for general information :—

ACT No. I OF 1872.

THE INDIAN EVIDENCE ACT, 1872.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

SECTION.

1. Short title.
   Extent.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. "May presume."
   "Shall presume."
   "Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given of facts in issue and relevant facts.
6. Relevancy of facts forming part of same transaction.
7. Facts which are occasion, cause, or effect of facts in issue.
8. Motive, preparation and previous or subsequent conduct.

SECTION.

9. Facts necessary to explain or introduce relevant facts.
10. Things said or done by conspirator in reference to common design.
11. When facts not otherwise relevant become relevant.
12. In suits for damages, facts tending to enable Court to determine amount, are relevant.
13. Facts relevant when right or custom is in question.
14. Facts showing existence of state of mind, or of body or bodily feeling.
15. Facts bearing on question whether act was accidental or intentional.
16. Existence of course of business when relevant.

ADMISSIONS.

17. Admissions defined.
18. Admission—
    by party to proceeding or his agent;
    by suitor in representative character;
    by party interested in subject-matter;
    by person from whom interest derived.
19. Admissions by persons whose position must be proved as against party to suit.
20. Admissions by persons expressly referred to by party to suit.
21. Relevancy of admissions against or in behalf of persons concerned.
22. When oral admissions as to contents of documents are relevant.
23. Admissions in civil cases when relevant.
24. Confession caused by inducement, threat, or promise irrelevant.
25. Confession made to a police officer not to be used as evidence.
26. Confession made by accused while in custody of police not to be used as evidence.

SECTION.

27. So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.
28. Confession made after removal of impression caused by inducement, threat, or promise, relevant.
29. Admission otherwise relevant not to become irrelevant because of promise of secrecy, &c.
30. Consideration of proved admission affecting person making it and others jointly under trial for same offence.
31. Admissions not conclusive proof, but may estop.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.
When it relates to cause of death;
or is made in course of business;
or against interest of maker;
or gives opinion as to public right or custom or matters of general interest.
or relates to existence of relationship.
or is made in will or deed of deceased person;
or relates to transaction mentioned in section 13, clause (*a*.)
or is made by several persons and expresses feelings relevant to matter in question.
33. Evidence in a former judicial proceeding when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account when relevant.
35. Entry in public record, made in performance of duty enjoined by law, when relevant.
36. Maps and plans when relevant.
37. Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.
38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. Previous judgments relevant to bar a second suit or trial.
41. Judgments in probate, &c., jurisdiction.
42. Judgment, order, or decree between third parties when irrelevant and when not.
43. What judgments, &c., not relevant.
44. Fraud, collusion, and incompetency of Court may be proved.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. Opinions of experts.
46. Facts bearing upon opinions of experts.
47. Opinion as to hand-writing.
48. Opinion as to existence of right or custom when relevant.
49. Opinions as to usages, tenets, &c., when relevant.
50. Opinion on relationship, when relevant.
51. Grounds of opinion, when relevant.

CHARACTER WHEN RELEVANT.

52. In civil cases, character to prove conduct imputed, irrelevant.
53. In criminal cases, previous good character relevant.
54. Previous conviction in criminal trials relevant, but not previous bad character, except in reply.
55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

56. No evidence required of fact judicially noticed.
57. Facts of which Court must take judicial notice.
58. Facts admitted.

CHAPTER IV.—OF ORAL EVIDENCE.

59. Proof of facts by oral evidence.
60. Oral evidence must be direct.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. Proof of contents of documents.
62. Primary evidence.
63. Secondary evidence.
64. Proof of documents by primary evidence.
65. Cases in which secondary evidence relating to documents may be given.
66. Rules as to notice to produce.
67. Proof of signature and hand-writing of person alleged to have signed or written document produced.
68. Proof of execution of document required by law to be attested.
69. Proof where no attesting witness found.
70. Admission of execution by party to attested document.
71. Proof when attesting witness denies the execution.
72. Proof of document not required by law to be attested.
73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

74. Public documents.
75. Private documents.
76. Certified copies of public documents.
77. Production of such copies.
78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS.

79. Presumption as to genuineness of certified copies.
80. Presumptions on production of record of evidence.
81. Presumption as to Gazettes.
82. Presumption as to document admissible in England without proof of seal or signature.
83. Proof of maps made for purposes of any cause.
84. Presumption as to collections of laws and reports of decisions.
85. Presumption as to powers of attorney.
86. Presumption as to certified copies of foreign judicial records.
87. Presumption as to books and maps.
88. Presumption as to photographs, machine copies, and telegraphic messages.
89. Presumption as to due execution, &c., of documents not produced.
90. Documents thirty years old.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

SECTION.

91. Evidence of terms of written contract.
92. Exclusion of evidence of oral agreement.
93. Exclusion of evidence to explain or amend ambiguous document.
94. Exclusion of evidence against application of document to existing facts.
95. Evidence as to document unmeaning in reference to existing facts.
96. Evidence as to application of language which can apply to one only of several persons.
97. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.
98. Evidence as to meaning of illegible characters, &c.
99. Who may give evidence of agreement varying terms of document.
100. Saving of provisions of Indian Succession Act relating to wills.

Part III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Burden of proof.
102. On whom burden of proof lies.
103. Burden of proof as to particular fact.
104. Burden of proving fact to be proved to make evidence admissible.
105. Burden of proving that case of accused comes within exceptions.
106. Burden of proving fact especially within knowledge.
107. Burden of proving death of person known to have been alive within thirty years.
108. Burden of proving that person is alive who has not been heard of for seven years.
109. Burden of proof as to partnership, tenancy, and agency.
110. Burden of proof as to ownership.
111. Proof of good faith in transactions where one party is in relation of active confidence.
112. Birth during marriage, conclusive proof of legitimacy.
113. Proof of cession of territory.
114. Court may presume existence of certain facts.

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.
116. Estoppel of tenant.
117. Estoppel of acceptor of bill of exchange, bailee, or licensee.

CHAPTER IX.—OF WITNESSES.

118. Who may testify.
119. Dumb witnesses.
120. Married persons in civil and criminal proceedings.
121. Judges and Magistrates.
122. Communications during marriage.
123. Evidence as to affairs of State.
124. Official communications.
125. Information as to commission of offences.
126. Professional communications.
127. Section 126 to apply to interpreters, &c.
128. Privilege not waived by volunteering evidence.
129. Confidential communication with legal advisers.

SECTION.

130. Production of witness' title-deeds.
131. Production of documents which another person, having possession, would be entitled to refuse to produce.
132. Witness not excused from answering on ground that answer will criminate.
Proviso.
133. Accomplice.
134. Number of witnesses.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witnesses.
136. Judge to decide as to admissibility of evidence.
137. Examination-in-chief.
Cross-examination.
Re-examination.
138. Order of examinations. Direction of re-examination.
139. Cross-examination of person called to produce a document.
140. Witnesses to character.
141. Leading question.
142. When they must not be asked.
143. When they may be asked.
144. Evidence as to matters in writing.
145. Cross-examination as to previous statements in writing.
146. Questions lawful in cross-examination.
147. When witness to be compelled to answer.
148. Court to decide when question shall be asked and when witness compelled to answer.
149. Question not to be asked without reasonable grounds.
150. Procedure of Court in case of question being asked without reasonable grounds.
151. Indecent and scandalous questions.
152. Questions intended to insult or annoy.
153. Exclusion of evidence to contradict answers to questions testing veracity.
154. Question by party to his own witness.
155. Impeaching credit of witness.
156. Questions tending to corroborate evidence of relevant fact admissible.
157. Former statements of witness may be proved to corroborate later testimony as to same fact.
158. What matters may be proved in connection with proved statement relevant under sections 32 or 33.
159. Refreshing memory.
When witness may use copy of document to refresh memory.
160. Testimony to facts stated in document mentioned in section 158.
161. Right of adverse party as to writing used to refresh memory.
162. Production of documents.
Translation of documents.
163. Giving, as evidence, of document called for and produced on notice.
164. Giving, as evidence, of document production of which was refused on notice.
165. Judge's power to put questions or order production.
166. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

167. No new trial for rejection or improper reception of evidence.

SCHEDULE.

THE INDIAN EVIDENCE ACT, 1872.

Preamble.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Indian Evidence Act, 1872:"

Extent.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator;

Commencement of Act.

and it shall come into force on the first day of September 1872:

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India:

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861,' in so far as they relate to any matter herein provided for; and

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

Interpretation-clause.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court."

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition of which any person is conscious.

Illustrations.

(*a.*) That there are certain objects arranged in a certain order in a certain place, is a fact.

(*b.*) That a man heard or saw something is a fact.

(*c.*) That a man said certain words is a fact.

(*d.*) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(*e.*) That a man has a certain reputation is a fact.

'Relevant.'

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue."

The expression "Facts in issue' means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B

At his trial the following facts may be in issue:—

That A caused B's death;

That A intended to cause B's death;

That A had received grave and sudden provocation from B;

That A, at the time of doing the act which caused B's death, was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document."

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations.

A writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

"Evidence."

"Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence:

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

"Proved."

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

"Disproved."

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

"Not proved."

A fact is said not to be proved when it is neither proved nor disproved.

"May presume."

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

"Shall presume."

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

"Conclusive proof."

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall

not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

Evidence may be given of facts in issue and relevant facts.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustration.

(*a.*) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club;

A's causing B's death by such beating;

A's intention to cause B's death.

(*b.*) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Relevancy of facts forming part of same transaction.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Illustrations.

(*a.*) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.

(*b.*) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c.*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d.*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are occasion, cause, or effect of facts in issue.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

(*a.*) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b.*) The question is, whether A murdered B.

Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.

(*c*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation and previous or subsequent conduct.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(*c.*) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d.*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakíls in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(*g.*) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h.*) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32, (1), or

as corroborative evidence under section 157.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32, clause (1), or

as corroborative evidence under section 157.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A—'I am leaving you because B has made me a better offer.' This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says, as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

In suits for damages, facts tending to enable Court to determine amount are relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

Facts relevant when right or custom is in question.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

Facts showing existence of state of mind, or of body or bodily feeling.

14. Facts showing the existence of any state of mind—such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling—are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists, not generally, but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin, is relevant.

(*c.*) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d.*) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e.*) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(*f*) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(*g.*) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h.*) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i.*) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j.*) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(*k.*) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(*l.*) The question is, whether A's death was caused by poison

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m.*) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n*) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o.*) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(*p.*) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

Facts bearing on question whether act was accidental or intentional.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Illustrations.

(*a.*) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(*b.*) A is employed to receive money from the debtors of B It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c.*) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Existence of course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(*a.*) The question is, whether a particular letter was despatched

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b.*) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

Admission—
by party to proceeding or his agent;

18. Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

by suitor in representative character;

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

by party interested in subject-matter;

Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

by person from whom interest derived.

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements m de by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Illustration.

The question is, whether a horse sold by A to B is sound.

A says to B—'Go and ask C, C knows all about it.' C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases :—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section thirty-two.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the Captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section thirty-two, clause (2).

(*c.*) A is accused of a crime committed by him at Calcutta.

He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post-mark of that day.

The statement in the date of the letter is admissible, because, if A were dead it would be admissible under section thirty-two, clause (2).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakíl from giving evidence of any matter of which he may be compelled to give evidence under section 126.

Confession caused by inducement, threat or promise irrelevant.

24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession made to a Police officer not to be used as evidence.

25. No confession made to a Police officer, shall be proved as against a person accused of any offence.

Confession made by accused while in custody of Police not to be used as evidence.

26. No confession made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

Confession made after removal of impression caused by inducement, threat or promise relevant

28. If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

29. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Confession otherwise relevant not to become irrelevant because of promise of secrecy, &c.

30. When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Consideration of proved confession affecting person making it and others jointly under trial for same offence.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C." The Court may consider the effect of this confession as against B.

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

Admissions not conclusive proof, but may estop

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.

(1.) When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

when it relates to cause of death;

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

or is made in course of business;

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

or against interest of maker;

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

or gives opinion as to public right or custom or matters of general interest;

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

or relates to existence of relationship;

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

or is made in will or deed of deceased person;

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen, clause *(a)*.

or relates to transaction mentioned in section 13, clause (*a*);

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

or is made by several persons, and expresses feelings relevant to matter in question.

Illustrations.

(*a.*) The question is, whether A was murdered by B; or

A dies of injuries received in a transaction in the course of which she was ravished The question is whether she was ravished by B. or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(*b.*) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c.*) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d.*) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e.*) The question is, whether rent was paid to A for certain land.

A letter from A's deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(*f.*) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g.*) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h.*) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i.*) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j.*) The question is, what was the price of gram on a certain day in a particular market A statement of the price, made by a deceased bánya in the ordinary course of his business, is a relevant fact

(*k*) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l.*) The question is, what was the date of the birth of A

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

(*m.*) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(*n*) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

Evidence in a former judicial proceeding when relevant.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Provided

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

Entries in books of account when relevant.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

Entry in public record, made in performance of duty enjoined by law, when relevant.

35. An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Maps and plans when relevant.

36. Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statements in law-books.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant

hen the existence of any such legal character, r the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof

that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgment, order or decree between third parties when irrelevant and when not.

42. Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in sections 40, 41 and 42, are irrelevant, unless the existence of such judgment, order or decree, is a fact in issue, or is relevant under some other provision of this Act.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under section 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

Illustrations.

(*a.*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

Facts bearing upon opinions of experts.

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a.*) The question is, whether A was poisoned by a certain poison.

The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(*b.*) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c., when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under Section 494, 495, 497 or 498 of the Indian Penal Code.

Illustrations.

(*a.*) The question is, whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(*b.*) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

No evidence required of fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India:

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto.

Explanation.—The word 'Parliament,' in clauses (2) and (4), includes—

1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;
4. The Parliament of Scotland, and
5. The Parliament of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act or Regulation having the force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official Gazette:

(10.) The territories under the dominion of the British Crown:

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons:

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakíls, pleaders and other persons authorized by law to appear or act before it:

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document:

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained;

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;

(3.) Copies made from or compared with the original;

(4.) Counterparts of documents as against the parties who did not execute them;

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a.*) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b.*) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c.*) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d.*) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—

(*a.*) When the original is shown or appears to be in the possession or power

of the person against whom the document is sought to be proved, or

of any person out of reach of, or not subject to, the process of the Court, or

of any person legally bound to produce it,

and when, after the notice mentioned in section sixty-six, such person does not produce it;

(*b*.) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;

(*c*.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(*d*.) When the original is of such a nature as not to be easily moveable;

(*e*.) When the original is a public document within the meaning of section seventy-four;

(*f*.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence;

(*g*.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*c*) and (*d*), any secondary evidence of the contents of the document is admissible.

In case (*b*), the written admission is admissible.

In case (*e*) or (*f*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*g*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section sixty-five, clause (*a*), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it:—

(1.) When the document to be proved is itself a notice;

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it;

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4.) When the adverse party or his agent has the original in Court;

(5.) When the adverse party or his agent has admitted the loss of the document;

(6.) When the person in possession of the document is out of reach of, or not subject to, the process of the Court.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission of execution by party to attested document.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents:—

1. Documents forming the Acts, or records of the Acts—

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows:—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the Legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the Executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified, by any officer in British India, or by any officer in any Native State in alliance with Her Majesty, who is duly authorised thereto by the Governor General in Council, to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements, as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such evidence, statement or confession was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to document admissible in England without proof of seal or signature.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held, at the time when he signed it, the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made for purposes of any cause.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

Presumption as to collections of laws and reports of decisions.

and of every book purporting to contain reports of decisions of the Courts of such country.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to powers of attorney.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to certified copies of foreign judicial records.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to books and maps.

88. The Court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to photographs, machine copies and telegraphic messages.

89. The Court shall presume that every document, called for and not produced after notice to produce, was attested, stamped and executed in the manner required by law.

Presumption as to due execution, &c., of documents not produced.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Documents thirty years old.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section eighty-one.

Illustrations.

(*a*) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b*) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c*) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Evidence of terms of written contract.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

(*a*) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b*) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c*) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d*) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e*) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Exclusion of evidence of oral agreement.

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement as to any matter on which a document is silent and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a*.) A policy of insurance is effected on goods "in ships from Calcutta to London" The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b*.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1873. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c*.) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d*.) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(*e*.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(*f*.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g*.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs 500.' B may prove the verbal warranty.

(*h*.) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i*.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(*j*.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a*.) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500'

Evidence cannot be given to show which price was to be given.

(*b*.) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

(*a*.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b*.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my mods.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence of agreement varying terms of document.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

On whom burden of proof lies.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a.*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.

(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

Burden of proving that case of accused comes within exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control

The burden of proof is on A.

(*c.*) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under section 325.

The burden of proving the circumstances bringing the case under section 335 lies on A.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations.

(*a.*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(*b.*) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.

Burden of proving death of person known to have been alive within thirty years.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to ownership.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Proof of good faith in transactions where one party is in relation of active confidence.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney, is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney

(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

Birth during marriage, conclusive proof of legitimacy.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Proof of cession of territory.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Court may presume existence of certain facts.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

(*a.*) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;

(*b.*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;

(*c.*) That a bill of exchange, accepted or endorsed, was accepted or endorsed, for good consideration;

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;

(*e.*) That judicial and official acts have been regularly performed;

(*f.*) That the common course of business has been followed in particular cases;

(*g.*) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it;

(*h.*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account fo its possession specifically, but is continually receiving rupees in the course of his business:

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor was a young and ignorant person, completely under A's influence:

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (*f*)—The question is, whether a letter was received It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

Estoppel.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

Estoppel of tenant.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.

OF WITNESSES.

Who may testify.

118. All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a.*) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.

(*b.*) A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the Superior Court.

(*c.*) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such barrister, attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(*a.*) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b.*) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c.*) A, being charged with embezzlement, retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, &c.

127. The provisions of section one hundred and twenty-six shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakíls.

Privilege not waived by volunteering evidence.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section one hundred and twenty-six; and if any party to a suit or proceeding calls any such barrister, attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Confidential communication with legal advisers.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers him-

self as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

Production of witness' title-deeds.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property, or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of documents which another person, having possession, would be entitled to refuse to produce.

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Witness not excused from answering on ground that answer will criminate.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Proviso.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Accomplice.

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Number of witnesses.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

Order of production and examination of witnesses.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Judge to decide as to admissibility of evidence.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a.*) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b.*) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c.*) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d.*) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

Examination-in-chief.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Cross-examination.

The examination of a witness by the adverse party shall be called his cross-examination.

Re-examination.

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

Order of examinations. Direction of re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading question.

141. Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.

When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend

(1) to test his veracity;

(2) to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer, the inference that the answer if given would be unfavourable.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section one hundred and forty-eight ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakíl that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d.*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exclusion of evidence to contradict answers to questions testing veracity.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a.*) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b.*) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c.*) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d.*) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Question by party to his own witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him:—

Impeaching credit of witness

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit;

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence;

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a.*) A sues B for the price of goods sold and delivered to B.

C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b.*) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Questions tending to corroborate evidence of relevant fact, admissible.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

Former statements of witness may be proved to corroborate later testimony as to same fact.

158. Whenever any statement, relevant under section thirty-two or thirty-three, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

What matters may be proved in connection with proved statement relevant under section 32 or 33.

159. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning

Refreshing memory.

which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

When witness may use copy of document to refresh memory.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

Testimony to facts stated in document mentioned in section 159

160. A witness may also testify to facts mentioned in any such document as is mentioned in section one hundred and fifty-nine, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory.

161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it; such party may, if he pleases, cross-examine the witness thereupon.

Production of documents.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence: and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Giving as evidence of document called for and produced on notice.

163. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document production of which was refused on notice.

164. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sues B on an agreement and gives B notice to produce it. At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

Judge's power to put questions or order production.

165. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of the parties, about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections one hundred and twenty-one to one hundred and thirty-one both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections one hundred and forty-eight or one hundred and forty-nine; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

Power of jury or assessors to put questions.

166. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

No new trial for rejection or improper reception of evidence.

167. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court, before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.
Stat. 26 Geo. III, c. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
Stat. 14 & 15 Vic. c. 99.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
Act XV of 1852	To amend the Law of Evidence.	So much as has not been heretofore repealed.
Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
Act II of 1855	For the further improvement of the Law of Evidence.	So much as has not been heretofore repealed.
Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
Act I of 1868 ...	The General Clauses Act, 1868.	Sections seven and eight.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

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CALCUTTA, SATURDAY, MARCH 16, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th February 1872, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 2 OF 1872.

A Bill to provide for the Extradition of Criminals and for the trial of offences in Native States.

Preamble.

WHEREAS various Courts have been established by the Governor General in Council beyond the limits of British India for the trial of offences committed by British subjects beyond such limits; and whereas it is expedient to consolidate and amend the law relating to such Courts, and to offences committed by British subjects, beyond the limits of British India, and to the extradition of criminals; It is enacted as follows :—

Short title.

1. This Act may be called "The Native Courts and Extradition Act, 1872":

Local extent.

It extends to the whole of British India;

to all Native Indian subjects of Her Majesty without and beyond the Indian territories under the dominion of Her Majesty; and

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column thereof.

"Political Agent" defined.

3. In this Act the expression 'Political Agent' means and includes—

(1) the principal officer representing the British Government in any Native State;

(2) any officer in British territory appointed by the Governor General in Council to act as Political Agent for any place not forming part of the British territory.

"Native State."

'Native State' means, in reference to Native Indian subjects of Her Majesty, all States without and beyond the Indian territories under the dominion of Her Majesty; and, in reference to European British subjects, it means the dominions of Princes and States in India in alliance with Her Majesty.

COURTS IN NATIVE STATES.

Power to establish Courts for trial of offences committed in Native States.

4. The Governor General in Council may establish Courts of Justice with criminal jurisdiction for the trial of offences committed by Native Indian subjects of Her Majesty in the territories of Native States and Princes in and adjacent to British India.

Notification of establishment of such Courts.

5. The establishment of such Courts shall be notified in the Gazette.

The notification shall state:

(1.) What powers the Court is to have.

(2). What is to be the course of commitment, and of appeal and revision to which the proceedings and judgments of such Courts are to be subject; and whether such Courts are in any, and, if so, in what, cases to report their proceedings to the Governor General in Council or to the Local Government for final orders.

(3). What is to be the local area of the Court's jurisdiction within which they are to exercise the powers hereinafter described.

Every such notification shall have the force of law.

Appointment, powers and jurisdiction of Justice of the Peace.

6. The Governor General in Council may also appoint any European British subject in any such State or territory to be a Justice of the Peace, and every such Justice of the Peace shall have all the powers conferred on Justices of the Peace by any law in force for the time being in British India. The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial.

Confirmation of existing Courts and Justices.

7. All Courts heretofore established, and all Justices of the Peace heretofore appointed by the Governor General in Council in any such Foreign State as aforesaid, shall be deemed to be and to have been established and appointed, and to have had jurisdiction under the provisions of this Act.

Extension of Criminal law of British India to British subjects in Native States.

8. The law relating to crimes and to criminal procedure in force in British India for the time being, shall extend to all British subjects, European and Native, in the territories of Native States and Princes in and adjacent to British India.

Jurisdiction of Courts under Act.

9. The Courts hereinbefore referred to shall have the same jurisdiction to inquire into, try and determine all charges against British subjects, European or Native, charged with any offence against such laws, as Courts with the same powers would have in British India, subject to such rules as may be contained in the notification by which they are established or in any orders heretofore issued by the Governor General in Council.

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMITTED BY BRITISH SUBJECTS IN NATIVE STATES.

Liability of British subjects for offences committed in Native States.

10. All British subjects, European and Native, in the British territories, may be dealt with in respect of offences committed by them in Native States as if such offences had been committed in any place within the British territories in which any such subject may be or may not be found:

Political Agent to certify fitness of inquiry into charge.

Provided that no charge as to any such offence shall be enquired into unless the Political Agent for the territory in which the offence is said to have been committed certifies that, in his opinion, the charge is one which ought to be enquired into.

Proceedings for compelling appearance of such offenders before officers having jurisdiction.

11. All such proceedings shall be taken by officers in British territory for compelling the appearance of such persons before the British officers having jurisdiction in the Native territory in which the alleged offences were committed as might be had in British territory for compelling the appearance in one district of a person charged with committing an offence in another district:

Provided that any proceedings taken against any person under section ten which would be a bar to subsequent proceedings against such person for the same offence, if the offence had been committed in British territory, shall be a bar against further proceedings against him in respect of the same offence in Native territory under this section:

Provided, also, that the Political Agent may give over any such person being a Native Indian subject of Her Majesty to be tried by the ordinary Courts of the territory in which the offence was committed, if he is generally or specially directed to do so by the Governor General in Council, or by the Governors in Council of Madras and Bombay respectively.

Power to direct copies of depositions and exhibits to be received in evidence

12. Whenever any such offence as is referred to in section ten is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions taken or exhibits produced in a State in which such offence is alleged to have been committed, or exhibits filed before a competent judicial officer of such State, shall be received as evidence by the Court holding such inquiry or trial, as though made or produced before such Court.

EXTRADITION.

Arrest and removal of offenders in Foreign States not being British subjects escaping into British territory.

13. When an offence has been committed or is supposed to have been committed in any such State against the law of such State by a person not being a European British subject, and such person escapes into, or is in British territory, the Political Agent may issue a warrant for his arrest and delivery at a place in such State, and to an officer of such State to be named in the warrant,

if he thinks that the charge is one which ought to be enquired into,

and if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the second schedule hereto,

or under any other section which may, from time to time, be specified by the Governor General in Council by a notification in the Gazette.

The warrant may be directed to the Magistrate of any district in which the accused person is believed to be, and shall be executed in the manner provided in the Code of Criminal Procedure; and the accused person, when arrested, shall be forwarded to the place and officer named in the warrant.

Power to make rules.

14. The Governor General in Council may make, and may from time to time alter, rules to provide for—

(1) the confinement, diet and prison discipline of British subjects, European or Native, imprisoned by Political Agents under this Act;

(2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the authorities of the State in which the offence is alleged to have been committed;

(3) and generally to carry out the purposes of this Act.

SCHEDULE I

Number and year.	Title.	Extent of repeal.
26 Geo. III, C. 57.	An Act for the further Regulation of the trial of Persons accused of certain offences committed in the East Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty (intituled "An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East Indies"), as requires the Servants of the East India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against Persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of Deeds and Writings executed in Great Britain or India.	Section 29.
33 Geo. III, C. 52.	An Act for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good order and government of the Towns of Calcutta, Madras and Bombay.	Section 67.
Act I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	The whole.
Act VII of 1854.	An Act for the apprehension within the territories under the Government of the East India Company of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to Justice, and to provide for the execution of warrants in places out of the Jurisdiction of the authorities issuing them.	So much as is unrepealed.

SCHEDULE II.

SECTIONS OF THE INDIAN PENAL CODE REFERRED TO IN SECTION 12.

Sections 230 to 263, both inclusive; sections 299 to 304, both inclusive; sections 307, 310 and 311; sections 312 to 317, both inclusive; sections 323 to 333, both inclusive; sections 347 and 348; sections 360 to 373, both inclusive; sections 375 to 377, both inclusive; sections 378 to 414, both inclusive; sections 435 to 440, both inclusive; sections 443 to 446, both inclusive; sections 464 to 468, both inclusive; sections 471 to 477, both inclusive.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to throw the existing law as to offences committed in foreign territory into a more compact and convenient form; to provide in a distinct manner for the establishment of Courts in Native States for the trial of British subjects; and to lay down the conditions under which Extradition can be enforced.

J. F. STEPHEN.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th February 1872, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 3 OF 1872.

A Bill to amend Act XXIV of 1867.

Preamble.

WHEREAS it is expedient to amend Act XXIV of 1867; It is hereby enacted as follows:—

Amendment of section 3 of Act XXIV of 1867.

1. In section three of Act XXIV of 1867, after the words "Presidency of Bengal includes the territories which are or shall for the time being be respectively under the Governments of the Lieutenant Governors of Bengal, the North-Western Provinces and the Panjáb, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces and British Burmah," the following shall be read:—

"and such other places within the territories of Native States and Princes in alliance with Her Majesty as shall be from time to time declared by the Governor General in Council by notification in the Gazette to form part of the Presidency of Bengal."

Amendment of section 52 of said Act.

2. After section 52 of the said Act, the following shall be read :—

" *Explanation.*—When an Administrator General, representing or having taken out letters of administration to an estate, pays, sets aside in account, or otherwise deals with any of the assets of such estate, at the request of an Executor or Administrator of such estate not in British India,

or, having declared a dividend or payment in full of the debts due by any estate which he represents, sets aside the funds to meet such dividend or payment in full on account of the creditors,

or, after payment of the debts due by any such estate, sets aside any of the assets of such estate to the account of a person entitled to a share in or legacy payable out of such estate,

there shall be and shall be deemed to have been a 'distribution' of the assets so paid, set aside or dealt with, within the meaning of this section, and of section 27 of Act VIII of 1855."

Act to be read as part of Act XXIV of 1867.

3. This Act shall be read as part of the said Act XXIV of 1867.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable the Governor General in Council to extend the Administrator General's Act, 1867, to places in Native Indian States in which, owing to the existence of a considerable European community, it is desirable that the Administrator General should be able to act. This has been done by providing that the "Presidency of Bengal" shall, for the purposes of the Act, include such places in Native States as the Governor General shall, by notification in the Gazette, declare to belong to it.

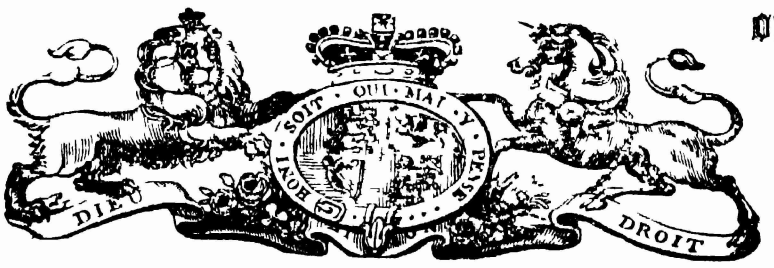
The occasion has also been taken to clear up some uncertainty, which at present exists as to the meaning of the word "distribution" in section 52.

J. F. STEPHEN.

The 7th February 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 11 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 16, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

STEPS TAKEN TOWARDS THE CONSTRUCTION OF THE INDORE (STATE) RAILWAY.

No. 41 R, dated 26th February 1872.

From—The Govt. of India, P. W. DEPT.,

To—Her Majesty's Secretary of State for India.

The correspondence ending with your Grace's Despatch No. 39 of the 9th June 1870, related to the undertaking of the Maharajah Holkar to place a million sterling at the disposal of our Government in aid of the expense of a railway to unite the Great Indian Peninsula Railway in Nimar with Indore. The negotiations which resulted in this were reported to your Grace on the 29th March 1870, and, as mentioned to be our intention in the 11th para. of our Despatch No. 40, we took immediate steps for commencing the survey of the line.

2. A reference to a map will show that the investigation of the country between the Great Indian Peninsula Railway and Indore demanded much engineering skill, as well as time and labour, before the Government could be justified in accepting any particular alignment. One point only was fixed, and that a terminal point, Indore; and though it was considered of great importance that Mhow should be on the line, if conveniently and economically possible, it is evident that this advantage must be foregone if found to be inconsistent with other and more imperative considerations which naturally present themselves in fixing the direction of any line uniting Indore with the Great Indian Peninsula Railway, and the decision of which practically determines the location of the railway. Indore and Mhow are both situated on the Malwa table-land, Mhow being near to the edge of the abrupt scarp which bounds it to the south, and which is broken into short spurs affording but little base for gaining height, the Nerbudda River flowing

at no great distance from its foot. The considerations referred to are three in number, *viz.* :—

(1).—The descent of the Vindhyas.

(2).—The crossing of the Nerbudda River.

(3.)—The junction with the Great Indian Peninsula Railway.

3. As regards the junction with the Great Indian Peninsula Railway, it will be seen from the map that, owing to the change in the directions of that line, the bifurcation of a railway to Indore cannot be at a point much to the west of Khundwah without adding unduly to length, nor can it be far to the east of that station without involving a long and expensive detour above the Ghâts which would place Mhow on a branch. Moreover, it would add materially to the length of the route to Bombay, which is undoubtedly the natural sea-port of the traffic of this line.

4. A further consideration presents itself in deciding on the point of junction, *viz.*, the unhealthy character of the jungles which intervene between the existing railway and the Nerbudda River, and which are to some extent traversed by that railway, and extend north of the Nerbudda as far as the foot of the Vindhyan ranges, whose lower slopes they also cover. Water, too, is a serious difficulty throughout the greater part of this tract.

5. The Nerbudda River flows near the foot of the mountain range, and, therefore, as the river crossing and the ghât ascent to the Malwa plateau are contiguous, these two obstacles must be considered together. Floods in the Nerbudda rise from 60 to 120 feet according to the section of the channel, and have a surface velocity of from 20 to 30 miles an hour. The cold-weather discharge is small, and the bed is rocky, but the channel varies considerably in width, and it is desirable that a bridge site should be chosen where the foundations may be laid without much difficulty, and without resorting to spans of excessive length. Thus, in determining the direction for a railway to the Malwa plateau, we have had not only to consider its length and the distance to be traversed to and from the sea-port, but to choose a ghât ascent as well as a crossing of a formidable river, and to endeavour to select such a line as will present least risk in the execution and maintenance of the works by reason of the unhealthy character of the country to be traversed.

6. The complicated problem thus presented for solution demanded early and close attention, and we saw that only a preliminary reconnoissance could be made during the remainder of the working season after the financial negotiations for the construction of this railway were brought to a favourable termination. Their result was reported to your Grace on the 29th March 1870. By the 15th April the Engineers began to take the field, and by the 14th June, when the rains which set in on the 5th of that month precluded further field work, Mr. Crawford Campbell, who had been appointed to the charge of the survey, had collected sufficient data to enable him to submit to us before the close of the following month the results of an admirably conducted preliminary enquiry.

7. The general result arrived at by Mr. Campbell was, that the line should leave the Great Indian Peninsula Railway either at Khundwah (352 miles) or Jawur (362 miles from Bombay), that it should pass by Sunnawad to Kheree, where he proposed to cross the Nerbudda 2 miles south of Barwaie, and ascend by the Choral Valley, passing through Mhow to Indore. The proposed Nerbudda crossing was thought to be favourable, as the lift of the floods is only 65 feet, and the cold-weather channel may, it was expected, be easily spanned. The works on the ghât ascent on this line would be very heavy. The summit would be reached with a continuous incline of 4 miles on a gradient of $\frac{1}{40}$, having about 1,200 yards of tunnelling and three lofty viaducts, but with no gradients worse than $\frac{1}{100}$ on other parts of the line. The gradient of the incline could, it was shown, be reduced, but only with great outlay, and there is no reason to anticipate such a traffic on this line as would justify a large expenditure in an improvement which would reduce the locomotive working expenses only.

8. In his preliminary report Mr. Campbell enumerates eight different passes or ghâts from the Maunpoor Ghât on the west, by which the Agra and Bombay Road is carried to the Baughlee on the east, by which it was some ten or twelve years ago proposed to carry a line of railway towards Agra.

9. The Maunpoor Ghât, it was evident, should be rejected, not only in consequence of the great extra length of new line that its adoption would involve, but also on account of the second ghât south of the Nerbudda and of the Taptee River, both of which would have to be crossed.

10. Similarly, the extreme East Ghât, the Baughlee, could scarcely be approved of, involving as it does an extra length of 12 miles of new railway. It is true that this ghât ascent would admit of a grade of $\frac{1}{100}$ without much difficulty, and the crossing of the Nerbudda would be favourable, but the line would, on the whole, cost at the least as much as a shorter but steeper graded line. Mr. Campbell, in fact, estimated the cost to be 50 per cent. more than his Choral Valley line. But supposing the cost to be equal, the additional 12 miles of new line required is not the only disadvantage of the Baughlee Ghât location. It would add 29 miles to the lead to Bombay, the natural port to be considered in connection with any Indore Railway scheme. It would traverse an unhealthy and desolate country, where water is a difficulty, and it would place Mhow on a branch. Moreover, the limits within which extra length may be allowable in order to gain a better gradient, would be exceeded by this line, considering the probable traffic.

11. Of the remaining six ghâts, we had facts regarding two—the Simrole and the Choral. The Simrole was surveyed by the Great Indian Peninsula Railway Engineers, and a line traced :—

	Miles.	Chains.		Gradient.
With	4	57	of	$\frac{1}{60}$
"	3	31	of	$\frac{1}{80}$
"	4	22½	of	$\frac{1}{100}$
Total ...	12	30½	of	$\frac{1}{100}$ and steeper grades.

besides five tunnels, aggregating in length about 1,900 yards, and six lofty viaducts. The Nerbudda River crossing would require a central span for the cold season channel of 500 feet.

12. Of the Choral Ghât the particulars have been given, and the Lodhya Ghât might, it was thought, be utilized in connection with the former, but it had not been at all sufficiently examined.

13. On its east is the Simrole already referred to, and between the Simrole and the Baughlee is the Peepuldah Ghât, of which nothing was really known from a professional point of view. One objection to the Peepuldah is, that if adopted, Mhow would have to be accommodated by a branch, and unless this ghât were found to offer great advantages, it would be excluded from adoption by reason of the great additional length of new line that it would demand.

14. So also as respects the Chota and Mota Jam Ghâts, no exact facts were on record. They are on the west between the Choral and the Maunpoor Ghâts, but if these ghâts should on examination prove at all superior to the Choral or any ghât to its east, it was probable that the line could be carried across the Nerbudda at the Kheree crossing. It is evident, however, that this would involve the passage of much cross drainage. On the other hand, the jungles on the south of the Nerbudda that would have to be traversed by a more westerly crossing are very deadly. Moreover, the ground between their summit and Mhow was reported to be much broken by ravines.

15. The information obtained by the preliminary reconnoissance and thus summarised was evidently insufficient to admit of our accepting the Choral Ghât ascent, and it was, therefore, necessary to order further investigations with the object either of finding a better ghât than that through which the Choral river flows ; or, failing that, to prove and to place on record the grounds for the

conclusion that there is no better ghât within the specified limits. Mr. Campbell accordingly took the field immediately the season permitted, and we now have the honour to report to your Grace the result of the last season's work, which includes skilfully executed topographical survey of part of the Vindhyas range, and a project for this railway.

16. The scheme as considered by us is not complete in details, as, although the designs are prepared, the estimates for sixteen miles of railway between the top of the ghât and Indore are not ready, the Officers engaged upon that division having had extra work thrown upon them in the Vindhya surveys.

17. For a comparison of the several lines and ghât ascents, we refer your Grace to pp. 36—7 of Mr. Campbell's Report.

18. The general result is, that Mr. Campbell has confirmed his preference of last year for the ascent by the Choral Valley. After full consideration of the various lines examined and reported on, with the aid of Mr. Molesworth, our Consulting Engineer, we have accepted this line. We are of opinion that a railway capable of being worked throughout by locomotive power should be made, and we are satisfied that, looking to the traffic that may be expected, we should not be justified in incurring the great outlay that is shown to be necessary in order to avoid the long gradient of $\frac{1}{40}$. The length of this incline is, however, reduced to $3\frac{1}{4}$ miles, and its cost to £ 114,000, and the length of tunnelling now proposed is less than 300 yards. No other part of the line is on a worse gradient than $\frac{1}{100}$, and though steeper grades could be introduced in places, it is shown that no sensible economy would result.

19. Khundwah is adopted as the junction, because it is an engine-changing and refreshment station on the Great Indian Peninsula Railway, has been occupied for a long time by Europeans, and has been proved to be unobjectionable in a sanitary point of view. It is the largest town in these parts with about 10,000 inhabitants, and the Bombay Government and the Agent to the Governor General for Central India are in favour of its adoption. The only reason for proposing an alternative was to find the line of shortest length for construction between Indore and the Great Indian Peninsula Railway. To save 9 miles in through distance to and from Bombay, it is certainly worth while to avoid a junction in the jungles, at Jawur for instance, though it would lead to a small saving (perhaps 2 miles) in the length of new line.

20. Starting, then, from Khundwah, the line falls 434 feet to the Nerbudda in 37 miles. It then rises in 13 miles about 308 feet. In neither of these sections are the works heavy, and the 50 miles are estimated to cost £ 181,000 without stations, rolling-stock, shops and residences. This gives a mileage cost of £ 3,600.

21. At the 50th mile the ghât work really begins and continues for $19\frac{1}{2}$ miles to the table-land: ascending 945 feet in this distance, of which 432 feet are gained in the $\frac{1}{40}$ incline. The cost of this section is estimated at £ 276,000, and eliminating the $3\frac{1}{4}$ miles of incline costing £ 114,000, the remaining $16\frac{3}{4}$ miles of this section are estimated at £ 9,672 per mile.

22. The last section of 16 miles from the ghât summit to Indore is roughly put down at £ 93,900, or £ 5,780 per mile, but this amount will probably be reduced when the estimates are submitted, although there are three large bridges aggregating 660 lineal feet of water-way, which will swell the cost of this small section.

23. A sum of £ 200,000 has been put down for the Nerbudda Bridge, 2,500 feet long, but notwithstanding the height of piers required, it is expected that the bridge will not cost so much.

24. Including this amount the Engineer's estimate for the 86 miles of metre gauge line is £ 751,000, and adding £ 1,000 a mile for rolling-stock, stations, station machinery and shops, the cost as estimated by Mr. Campbell may be taken at £ 840,000, and including Engineering Establishments, £ 900,000.

25. Having thus satisfied ourselves that the line which had been chosen was the best, and that the Engineer's estimate of quantities and prices gave an approximately correct view of the probable cost, we determined to invite tenders for the execution of the work to be done in India on a schedule of rates and specification similar to those on which we recently let a contract for the construction of the railway between Agra and Sambhur to Messrs. Glover and Co., and we desired our Consulting Engineer for State Railways to inspect the country, and to prepare a design for the Nerbudda Bridge, after he had learnt the nature of the foundation and the quality of available stone. For our orders on this project we request a perusal of enclosure No. 2, from which it will be observed that there are several details to be settled by our Consulting Engineer, who is now on tour.

26. Many influential firms submitted tenders which varied much in amounts, some being far above the estimates of our Engineers, which we thought were sufficiently liberal, while others again fell below those rates. Such variation might be expected, as the cost of extensive works in the Nerbudda Valley has not been thoroughly ascertained. Among the lowest tenders was one from Messrs. Hood, Winton, Mills and Oag, a firm which is well known in Bombay, and which has been engaged in connection with the Great Indian Peninsula Railway for many years in the valley of the Nerbudda. Messrs. Hood, Winton, and Co. are, we believe, a wealthy firm, and as their rates are certainly under those at which we could expect to construct the railway departmentally, we have entrusted the work to them, and our Solicitors are now drawing up a formal deed of contract. In the meantime a commencement will be made without delay. The contractors will carry out materials and construct the line north of Khundwah. Rails, sleepers and bridge-work being delivered to them by us at that station.

27. The railway from Khundwah to Indore is one presenting considerable physical difficulties, and we have therefore described the project in more than usual detail. We now ask for your Grace's concurrence in the commendation we have given to the staff engaged on the survey, and for the approval of Her Majesty's Government to the steps which we have taken.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COAL OPERATIONS IN THE GODAVERY DISTRICT.

No. 854, dated 14th February 1872.

From—The Secy. to the Chief Commissioner, P. W. Dept., Central Provinces,

To—The Secretary to the Government of India, Public Works Department.

In continuation of this office letter No. 5049, dated 6th of last November, I am desired by the Chief Commissioner to forward herewith copy of a letter No. 10-42, dated 20th ultimo, received from the Superintendent of Works, Upper Godavery Circle, upon the progress of coal explorations at Tipperpenti since the 29th of December, together with a copy of a report* by Mr. Vanstavern, accompanied by a map of the locality showing the sections of the borings made.

* Dated 12th January.

No. 10-42, dated 20th January 1872.

From—The Superintendent of Works, Upper Godavery Circle,

To—The Secy. to the Chief Commissioner, P. W. Dept., Central Provinces.

I have the honor to submit a further report by Mr. Vanstavern, dated 12th January 1872, upon the progress of coal explorations at Tipperpenti since the 29th of December last, together with a map of the locality showing the sections of the borings made.

2. When progress was last reported the borings which were in progress were Nos. 24 and 25, but of these No. 25 has since been discontinued, as Dr. Oldham, who has visited the coal-field in the interim, considered that it would be more advisable to put down a trial boring in a new position than to continue No. 25 at present.

3. In consequence nothing more has been done in boring No. 25 than was detailed in last progress report, and another new boring No. 26 has been commenced upon the Daverapilly Hill near the point marked upon the map, and some progress has been made in boring through the surface rock.

The object of this new boring is understood to be to see whether or not a seam of coal exists at a higher level than those already found in previous borings, as the experience gained in other parts of India would seem to prove that the products of such high level seams are more valuable than those of seams found at a lower level.

4. In boring No. 24, however, the boring has proceeded for an additional depth of 18 feet since last report, of which 16 feet are coal and 2 feet shale.

The whole section obtained at present from this boring, which has now attained the depth of 217 feet, shows that coal exists in 5 seams, having a total thickness of 23⅔ feet, and varying in thickness from 1⅙ foot to 12 feet, the last 20 feet of the boring showing two seams of coal, of which the upper seam is 12 feet and the lower seam 6 feet in thickness, or in all 18 feet of coal to 20 feet of bed, the two seams being separated by but two feet of shale.

The lower seam of 6 feet had not been passed through when the report was despatched, so that, although the thickest seam passed through does not much exceed that found in No. 16, the total thickness of the seams in this bed is much superior, being as 23⅔ in No. 24 to 16⅔ in No. 16.

No. 60, dated 12th January 1872

From—T. Vanstavern, Esq., Executive Engineer, Workshop Dn., Upper Godavery Circle,

To—The Officiating Superintendent of Works, Upper Godavery Circle.

In continuation of my letter No. 55, dated 29th December last, I have the honor to submit further reports on coal-boring operations at Totapelly.

No. 24 Bore-hole						
Already reported				..	... 199	2
Coal	...	..	...	...	... 10	0
Shale	...	...	...		... 2	0
Coal	...	...	.	..	... 6	0

On the arrival of Dr. Oldham, the boring of No. 25 was stopped, and a test hole put down in Daverapilly Hill near Gogubacka.

No. 26 Bore-hole.						
Surface soil	.	...	...	...	... 8	0
Sandstone	...	...	...	...	... 35	0

I am now going up with Dr. Oldham to show him the borings at Lingala, and on my return will have the position of No. 26 bore-hole levelled up to and marked on the map.

GOVERNMENT OF INDIA

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE,

Memorandum on Cotton growing in Egypt.

It is usual in the winter or early spring to till the land several times with a primitive kind of plough, and in the month of March to work it into ridges of about 3 feet apart. In April the seed is steeped for 24 hours in water to soften it. It is then sown in little holes scraped or made with a dibble in the sides of these ridges at about 18 inches distant from each other; in each hole ten or more seeds are placed and then covered up with earth. The land is then irrigated once every ten or twelve days. When the plants appear above the soil, the superfluous ones are uprooted, and only one or two are left growing from each hole. The fields are then weeded, and irrigation is continued every 12 or 15 days. In the month of October the first pods are gathered as they ripen throughout the months of November, December and January.

About 2 bushels of seed are sown per acre, but this is in reality a much larger quantity than necessary.

The yield in well cultivated land is from 10 to 12 cwt. per acre, but the ordinary yield is not more than about 6 or 8 cwt.

Some cultivators have tried the plan of not watering the plants after the first gathering of pods, but the general opinion seems to be that irrigation ought to be continued.

The cotton referred to is that which is now commonly known in commerce as Egyptian cotton. It is not that which was originally indigenous in Egypt. It is the produce of seed originally imported from the Sea Island and other ports of America.

Memorandum on Cotton cultivation in Egypt.

On well cultivated properties the same land is only appropriated to cotton once in every three years, the crop being exhaustive. Much of the ground is flooded at high Nile, and the water allowed to remain on it until the river falls; it thus derives the benefit of a copious absorption of alluvial deposit, and when the water recedes, it is exposed to the sun until the surface is in a condition to be well worked by ploughs and harrows. This is done three times in January or February, the ground being made as clear as possible and finally turned up into drills; then, if artificial means of irrigation exist, the water is let on ten days before the sowing, and while the earth is yet moist, holes are made to receive the seed. About five grains are dropped into each hole and then covered up. It is well to soak the seed in water for 24 hours, but the practice is exceptional.

A better result, however, is arrived at on good land where a much smaller quantity of seed is used, and the holes are made wider apart. For this reason the superabundance of plants have to be thinned out involving considerable labor, and when the trees are too crowded, neither air nor sun can enter freely to mature the cotton crop early. The labor of picking is also far greater when sufficient space is not left between the rows, as the children break the branches in their efforts to struggle through them.

The best period for sowing is considered to be from the 25th of March to the 20th of April, but in the neighbourhood of Cairo and in the warmer provinces a much earlier period may be adopted with success, whereas in "Behera" and on cold poor lands, the latest sown fields often present the most forward appearance in June.

There are two systems of cultivation,—one called "Babip," or by the natural inundation of the Nile; the other "Misgoweh," where pumping engines, water-wheels, and other artificial aids are resorted to, and by which water is let into the drills every 10 or 15 days in the early stage of the growing crop and frequently at intervals before the Nile rises to a height sufficient to supply natural irrigation. A fair average crop is of 300 lbs. of clean cotton to the acre, but on good land as much as 900 lbs. per acre is known to have been raised.

Three hundred and fifteen lbs. of common cotton in seed should give 100 lbs. of clean cotton, but the finer descriptions show a less favorable render, and 315 lbs. of the finest Sea island cotton in seed would probably yield about 80 lbs. of clean cotton. When the trees have a tendency to grow too tall, they should be topped with a pruning knife which causes them to throw out robust lateral branches.

The gathering begins early in September, and the great picking is in October and November. The last pickings are in January and February; the trees are then cut down or rather uprooted. Great care should be bestowed on the separation of dead and discolored cotton from the first quality. This ought to begin in the fields; the children employed in gathering it working in threes,—the first taking the clean, white, well opened pods, the second any discolored ones and what may have fallen and got mixed up with leaves, and the third the refuse and pods which would never open properly from blight, insects, or cold fogs.

The gins best suited for Egyptian staple are those made by Messrs. Platte Brothers, of Oldham, 40 inches wide and driven by steam at 600 to 800 revolutions in a minute.

(True copies.)

ALEXANDRIA,
25*th October* 1871.

H. E. JACOMB,
Under Secy. to Govt., Bombay.

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Tuesday, the 5th March 1872.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. T., *presiding*.
His Honour the Lieutenant-Governor of Bengal.
His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.
The Hon'ble John Strachey.
The Hon'ble Sir Richard Temple, K. C. S. I.
The Hon'ble J. Fitzjames Stephen, Q. C.
The Hon'ble B. H. Ellis.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.
The Hon'ble F. R. Cockerell.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN moved that the adjourned discussion on the Bill to legalize marriages between certain Natives of India not professing the Christian religion be further adjourned for a week. He said this was the day upon which the adjourned discussion and debate was, according to the formal resolution of the Council, to be resumed. He had now to move for a further adjournment for one week. The object of this was to give hon'ble members of the Council full time to consider certain papers which had been received, some from the Madras Presidency and several from the North-Western Provinces, a few days ago. There had not been full time for the consideration of these papers by the members of the Council. He did not wish to enter into any discussion upon the matter at present, but simply to state publicly that he, for one, should oppose any lengthened adjournment; and, as far as he had any thing to say in the matter, he trusted that it might be finally disposed of when it was next brought on in one way or another. He took this opportunity of making that statement for this reason amongst others: A few days ago a petition was sent up by one of the Indian Associations asking for a further adjournment of two months to afford them time to make their representations. As an adjournment for six weeks had already taken place, and as this matter had been before the public in one shape or another for a great length of time, MR. STEPHEN thought that whatever the Association had to say upon the general principles of this Bill might be said in very much less time than two months. And he might observe that an application for a postponement for two months was equivalent to an application to postpone the consideration of the Bill until after the Mover of it had left the Council, and until after the constitution of the Council had been considerably changed. It was in fact analogous to the House of Commons form of moving that the measure should be read a third time six months hence.

He did not wish to discuss the matter any further; he only wished to guard himself against any misconception, and wished it to be understood that the Bill would be disposed of on the next occasion when it came up before the Council.

The Motion was put and agreed to.

LAND REVENUE (N. W. P.) BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to consolidate and amend the law relating to Land Revenue in the North-Western Provinces of Bengal, said that attention had been drawn by His Honour the Lieutenant-Governor of Bengal to the fact that the title of the Bill was not technically correct: it should include in its operation, not only the North-Western Provinces of Bengal, but also those parts of the Lower Provinces of Bengal to which the Permanent Settlement did not apply. As to the Bill itself, MR. STEPHEN would at present say but little; but he wished to make some general observations with reference to this Bill, and to two other Bills which his friend, the hon'ble Mr. Cockerell, would move for leave to introduce at a later stage of the proceedings. MR. STEPHEN had had the honour of holding the office which he now held for the last two and a half years, and he was now about to vacate it. During that time, considerable steps had been made in execution of the scheme for consolidating the statute-law of this country. He was happy to be able to say that, if this Bill and the other two Bills which would be introduced by his hon'ble friend, should finally meet the approval of the Council and pass through it, the process of consolidation would be carried out with regard to the Bengal Regulations as far as MR. STEPHEN thought it was desirable they should be consolidated. He knew that the Bengal Regulations were regarded with a sort of fondness by many of those who had administered them; and it would be presumptuous and out of place in him to say that they did not deserve the high character which they had enjoyed. They were the instruments by which the Government in this part of the country had for a number of years carried on the administration, and the general result certainly showed that they were well adapted for the purpose. At the same time he must remark that there were considerable objections to them: they were enacted at a time when there was very little technical law, and very few means for administering the law with technical care, in the Provinces to which they applied. They were couched in language which contrasted favourably indeed with the intricate and cumbersome verbiage of contemporary Acts of Parliament; but the language was very eliptical; a great deal had to be supplied by the sense of the reader; it was not always exact; the arrangement was extremely intricate and confused in many instances; and they embodied a large quantity of matter which had ceased to possess any interest other than a historical interest, which they would always retain.

So much for the Regulations generally. He did not think that any one who was acquainted with them would doubt that they wanted consolidation, recasting and re-arrangement. MR. STEPHEN was happy to say—thanks very much to the exertions of his friend, Mr. Cockerell—they had been consolidated and re-arranged to such an extent that, with these three Bills, the whole of the Regulations would be wiped off with only a few exceptions. Of course, it was not proposed to wipe out the Permanent Settlement and some other Regulations which, for a variety of reasons, it would be unadvisable to interfere with. MR. STEPHEN believed that, when these three Bills should be finally disposed of, there would not be above thirty Regulations left, and these thirty Regulations would have very little to do with the ordinary working of the law of the country.

The further observations he had to make were, as to the circumstances under which he asked leave to introduce these Bills, and the manner in which he proposed they should be dealt with. He hoped to have the Bills drawn and to introduce and publish them in the Gazette before he left the country, and before the Government left Calcutta. He hoped to introduce them in the course of a month or six weeks; then, in the regular course, they would be circulated for the opinion of the Local Governments who might be affected by them, and when his successor, in the course of the next cold weather, had the advantage of the opinions, both of the Local Governments and of the Council, he would

be in a position to deal with them, and if he and the Council thought fit, to carry out the work of consolidation.

There was one other matter with regard to these Bills to which he wished to call special attention in the presence of His Honour the Lieutenant-Governor of Bengal. The Regulations in question related partly to Bengal and partly to the North-Western Provinces. One of these Bills—the Mortgage Bill—would properly refer, not only to the Lower and Upper Provinces of Bengal, but also to the Panjáb and Oudh. Nothing could be farther from MR. STEPHEN's wish, than that this Council should legislate in such a manner as to interfere with the jurisdiction of the Council of Bengal over which His Honour presided. The Bills would be drawn so as to extend to Northern India generally; but it would be a subject upon which His Honour would no doubt express his opinion, whether it might not be a more convenient course, with regard to some of these Bills, that the Bills passed by this Council should be confined to the North-Western Provinces or Upper India; and that similar Bills should be introduced into the Bengal Council for Lower Bengal. That was a matter upon which MR. STEPHEN offered no opinion; but he must again repeat that he wished to point out that, in this work of consolidation of the Bengal Regulations, there was every wish on the part of the Government of India directly to co-operate with the Legislative Council of the Lieutenant-Governor.

He would now say a few words in regard to the particular Bill which he moved for leave to introduce. He need not recall to the recollection of the Council the famous historical circumstances in which this legislation originated. The Regulation which formed the basis of the whole settlement system of Northern India was Regulation VII of 1822, and it was subsequently amended by another well known Regulation, which gave such very great relief that it used to be said that it had descended from heaven for the relief of district officers. MR. STEPHEN alluded to Regulation IX of 1833. These two Regulations were supplemented by a great number of circulars embodied in *Thomason's Directions to Settlement Officers*, and also by a work called *Directions to Collectors*. Until somewhat recently, that formed the whole settlement law of the Panjáb. In the course of the last summer, the settlement law of the Panjáb was re-enacted with the assistance of the Lieutenant-Governor and the Financial Commissioner. And the Bill which he (MR. STEPHEN) now moved for leave to introduce, would be an attempt to state, in a clear and more permanent and condensed form, the existing system of land-settlement. He thought any one who read Regulation VII of 1822 would derive from it a very indefinite view of the subject, unless he brought to it, in the first instance, a considerable degree of knowledge. When the necessity which existed in this country of putting people in possession of clear instructions as to what they were to do was considered, the difficulties which had to be contended with under the existing state of the law could not but be realized; and he hoped that, by recasting this legislation in a more modern and complete form, considerable assistance would be rendered to officers in the discharge of their duties. He might observe that he was not aware that any formal communication had taken place upon this subject; but communications more or less official in their nature had taken place between the Government of India and the two Local Governments upon the subject, in the course of last summer, and it was then thought that the Bill introduced last summer should be confined to the Panjáb, and that any subsequent legislation for the North-Western Provinces and the parts of Bengal affected by it should be separately proceeded with. For the last two years, the North-Western Provinces Government had found it a convenient course for the principal officers of those Provinces, who were connected with the administration of the revenue, to hold communication with each other during the hot weather; and MR. STEPHEN would suggest that, in the following hot weather, they would be able to take into consideration the Bill which he was about to introduce. The Bill could also, during that time, be taken into

consideration by His Honour the Lieutenant-Governor of Bengal and his advisers, and His Honour would be able to say whether it would be a more convenient course that it should be confined to the parts of the Lower Provinces not permanently settled, or that it should be confined to the Upper Provinces.

He had only two remarks to make in conclusion. The Bill, as it was proposed to draft it, would either wholly or partly repeal and consolidate no less than forty different Regulations and Acts, and put them all into a comparatively reasonable shape. The Bill had been drawn by his hon'ble friend, Mr. Cockerell, who knew more than most other people about these Regulations, and to whom the public was considerably indebted. He had done more than any other single person in carrying out the work of consolidation.

His Honour THE LIEUTENANT-GOVERNOR had only one or two words to say in regard to this Bill. He had no desire to follow the hon'ble Mr. Stephen through his speech; but with regard to the explanations which had been made with respect to the relative positions of this Council and of the Council presided over by His HONOUR, he merely wished to say that the course proposed to be taken by Mr. Stephen appeared to him satisfactory. His HONOUR understood that the measure would be introduced as a general Bill, subject entirely to future consideration as to the question whether it should apply to that part of the country for which the Bengal legislature was empowered to legislate.

The Motion was put and agreed to.

OATHS AND DECLARATIONS ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN also presented the final Report of the Select Committee on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindoos and Mahometans).

PANJÁB LAWS BILL.

The Hon'ble MR. STEPHEN also presented the final Report of the Select Committee on the Bill for declaring what laws are in force in the Panjáb.

BURMA COURTS BILL.

The Hon'ble MR. STEPHEN then presented the Report of the Select Committee on the Bill to regulate the Courts in British Burma.

NATIVE PASSENGER SHIPS ACT AMENDMENT BILL.

The Hon'ble MR. CHAPMAN presented the Report of the Select Committee on the Bill to amend Act XII of 1870, the Native Passenger Ships Act.

HIGH COURT JURISDICTION (SIND) BILL.

The Hon'ble MR. CHAPMAN having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. CHAPMAN then introduced the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said that he did not think he should tax the patience of the Council if he read the Bill from beginning to end:—

"Whereas it is expedient to remove doubts which have arisen as to the jurisdiction of the High Court of Bombay over the Province of Sind; It is hereby enacted as follows:—

1. The High Court of Bombay has not, and shall be deemed never to have had, jurisdiction over the Province of Sind."

His Honour THE LIEUTENANT-GOVERNOR said that, as the Bill was to be, as it were, galloped through the Council, he would detain them to say a few

words. He thought it was a matter of grave consideration whether what he might call judicial decentralization was desirable; whether it was desirable to remove, from the jurisdiction of a great Court, a Province which was somewhat large on the map, but which was in fact mostly sand and desert, with a limited population and revenue. He understood that the Judicial Commissioner was an officer somewhat of the standing, position and pay of a Zila Judge. He, for one, was very much opposed to the judicial government of the country, and he was not sure that he should not be ready to lend a helping hand to any Bill for removing the jurisdiction of any Court and vesting the control in the hands of executive officers. But, under the Bill, there was a Judicial Commissioner, who was not higher than a District Judge, who was rendered altogether independent of any superior tribunal in India. The executive authority would not have greater power because the judicial authority was thus constituted. Still, the arrangement might be very well if suitors could not go further, but they knew that there was an appeal at present from every superior tribunal in India to the Privy Council. That appeal, as it at present existed, was, he was inclined to think, a very great evil; but it did exist, and he merely threw out, for the consideration of the Committee and Council, that it was a question whether it was desirable to remove these local Courts from the control of superior Courts in the country, unless they could at the same time be removed from the jurisdiction of the Privy Council; because appeals to the Privy Council involved enormous expense, and, in his opinion, gave a rich man an enormous advantage over a poor one, enabling him to suspend, for an almost indefinite time, a judgment which the poor man had obtained with very great difficulty.

The Hon'ble Mr. CHAPMAN begged to explain that the remarks which had fallen from His Honour the Lieutenant-Governor were founded on an entire misapprehension of the scope and object of the Bill. The Province of Sind never had been under the jurisdiction of the High Court of Bombay, and it was therefore a mistake to say that it was to be removed from that jurisdiction. The judicial arrangements of the Province were provided for by a local Act (XII of 1866); and the Judicial Commissioner appointed under that Act had all the powers of a Sadr Court. The Bill would merely remove doubts which had arisen as to the sense in which the word "Presidency," as used in the Act constituting the High Courts and in the Letters Patent, was to be understood. As far as he knew, there was no desire on their part to assert jurisdiction in Sind, and they would not be deprived of any power they now possessed.

The Hon'ble Mr. STEPHEN wished to say one or two words in addition to what had been stated by the Hon'ble Mr. Chapman. This was a Bill merely for removing doubts which had unfortunately arisen as to the jurisdiction of the High Court at Bombay over the Province of Sind. The subject of appeals to the Privy Council from foreign Courts was not within the jurisdiction of this Council. The theory was that Her Majesty was the supreme Judge throughout Her whole dominions, and that every one had a right to appeal to Her Majesty from the decision of any tribunal whatever, and it was for Parliament to determine in what cases and from what Courts appeals should lie to the Privy Council. Whether there was an appeal to the Privy Council from the judgments of the Judicial Commissioner was a point upon which he did not offer any opinion. Whether there was such an appeal or not, he would only say that, if there was an appeal, it could not be taken away. He should add just one word. It was not expressed in this Bill or in the re-enactment of the Code of Criminal Procedure that it was not intended to affect the jurisdiction of the High Court over European British subjects.

The Motion was put and agreed to.

PRIVY COUNCIL APPEALS BILL.

The Hon'ble Mr. COCKERELL moved for leave to introduce a Bill to consolidate and amend the law relating to the admission of appeals to Her

Majesty in Council from judgments and orders of the Civil Courts. He said that the rules of procedure for the admission and transmission of appeals from the decrees and orders of the Civil Courts in India to the Privy Council were contained in the Bengal Regulations XVI of 1797, V of 1803 and the corresponding Regulations of the Madras and Bombay Codes, supplemented by Acts II of 1844 and XXV of 1852. These had exclusive application to what were termed the 'Regulation Provinces.' The whole of the provisions of these enactments, with certain emendations and additions, were reproduced in Act II of 1863, which applied to the Non-Regulation territories.

They had therefore substantially the same set of rules in this matter, applicable to the whole of British India, contained in no less than seven enactments.

In furtherance of the general scheme of consolidation of the Statutes, the substitution of one Act for the seven enactments just referred to was the primary and chief object of the proposed legislation.

At the same time the opportunity afforded by this consolidation would be taken to effect a slight amendment of the existing law which recent circumstances had rendered necessary.

The procedure now in force had been framed on the assumption that every appeal to Her Majesty in Council must be in respect of some decree or order passed by the highest Civil Appellate Court; and, until the passing of the Oudh Courts Act, such was actually the case.

The Oudh Courts Act, by its new provision in regard to appellate jurisdiction, had made it possible for litigation, no mattter what the amount or value involved might be, under certain circumstances to stop short of the highest Court of Appeal in that province. For example, a Deputy Commissioner might try a suit the subject-matter of which was of any amount or value, and an appeal would lie against his judgment or order in such suit to the Commissioner. If the latter concurred with the Deputy Commissioner, there was no further appeal in this country.

It was necessary to lay down the procedure to be adopted in such cases for the admission and transmission of an appeal to the Privy Council. The Bill would provide that the application for the admission of the appeal should be made to, and the necessary proceedings on such application should be taken by, the Court which, under the law for the time being in force relative to appeals, was the Court of final jurisdiction in India.

His Honour THE LIEUTENANT-GOVERNOR would only express the hope that, in carrying his motion into effect, the Hon'ble Member would do somewhat more than consolidate the law, and would consider the whole law with a view to its emendation. HIS HONOUR'S opinion was that the law in force enabled a rich man to hang up the decree of a poor man for years and years, and he thought that a great evil; he hoped the Hon'ble Mr. Cockerell would consider the rules now in force for the admission of appeals, and put them in such a state as to obviate this evil.

The Motion was put and agreed to.

MORTGAGE PROCEDURE BILL.

The Hon'ble MR. COCKERELL also moved for leave to introduce a Bill to consolidate and amend the law relating to mortgage procedure. He said that, by Regulation I of 1798, it was enacted that any person who had obtained a loan on the security of landed property might, if he so desired, deposit in the principal Court of the district in which he resided, the principal amount borrowed, together with interest, where the transaction included the payment of interest, at any time previous to the date fixed for the repayment of the loan, and that the Court should thereupon grant a receipt to the depositor, and notify the fact of the payment to the creditor; a right of redemption of the property mortgaged being thus preserved to the mortgagor.

These provisions, originally applicable to Bengal and Benares, were, by Regulation XXXIV of 1803, extended to the rest of the Bengal Presidency. By Regulation XVII of 1806, a term of grace, extending to one year beyond the date fixed for the repayment of the loan, was added within which the debtor might, by making the necessary deposit in Court, or proved tender of payment to his creditor, preserve his right of redemption, and the mortgagee, in order to obtain foreclosure of the right of redemption, was required to give notice through the Court of his claim against the mortgagor one year previous to such foreclosure.

These provisions, designed for the special protection of persons borrowing money on the security of landed property against possible fraud on the part of their creditors and the consequences of their own imprudence, were peculiar to the Bengal Presidency and such parts of the Non-regulation Provinces as were administered in accordance with the spirit of the Bengal Regulations.

The absorption of the provisions of these three Regulations into one Act would necessarily come within the general scheme of consolidation; but in the Bill which he was now asking leave to introduce, it was proposed to do something more than consolidate the existing law in respect of mortgage procedure.

In 1868, a gentleman who belonged to a well known firm of solicitors in this city, addressed the Secretary to the Bengal Legislative Council on the subject of amending this procedure and assimilating it to that of the English law, pointing out the difficulties and inconvenience occasioned by the present restrictions as to foreclosure of mortgages. Another gentleman (since deceased), who was the member of a firm of merchants and agents largely interested in landed property in some of the Bengal districts, made a representation to the Local Government about the same time and to the same purport.

The Bengal Government consulted a few of its judicial officers, and after collating various opinions, the late Lieutenant-Governor made a reference to him (MR. COCKERELL) on the subject. Before replying to that reference, he obtained, through the co-operation of the Government of the North-Western Provinces, the opinions of several of the judicial officers of those Provinces, and transmitted these, with his own views on the general question, to Sir W. Grey, who came to the conclusion, upon the whole correspondence, that the amendment of the existing law was desirable, but that the measure was one which could be more conveniently dealt with by this Council than by the Local Council.

MR. COCKERELL mentioned these circumstances in connection with the Bill as indicating, with reference to what fell from an hon'ble member (Mr. Stephen) on that subject, the reason for the present proposal to include the Lower Provinces of Bengal in the local limits of the projected legislation.

The present proposal was to assimilate the Bengal to the English procedure so far as to substitute the institution of a foreclosure suit at the expiration of the period within which the loan was to be repaid, for the notice required by the existing law, but without prejudice to the term of grace now allowed for the preservation of the right of redemption. So that, if, on the adjudication of the suit, the Court decreed foreclosure, such decree would be conditional on the repayment of the amount found to be due by the mortgagor not being made within one year from the date of the institution of the suit.

Thus, the one year's grace during which the mortgagor's right of redemption would be preserved to him was to be retained, and he would be placed in no worse position than he was under the present law; but the year of grace would be utilized, and the mortgagee would not have to wait so long as under the prevailing system for the adjustment of his claims against the mortgagor.

The exact effect of the proposed change, as compared with the procedure of the English law in like cases, could be more conveniently explained when the Bill was introduced.

His Honour THE LIEUTENANT-GOVERNOR had not been aware that the subject was to have been brought before the Council that day, and he had not had an opportunity of studying it; but from the first of the papers before him, and the observations of the Hon'ble Member, it appeared to HIS HONOUR that this Bill might be properly called a Bill for facilitating the more speedy foreclosure of mortgages. It was a mortgagee's, and not a mortgagor's, Bill. HIS HONOUR's feeling on the subject was that, having regard to the rights and feelings, the interests and traditions, of the people of the country, he should be very averse to do anything to facilitate the speedy foreclosure of mortgages. The Council were perhaps aware that, in Native times, the sale of land was very rare indeed. Mortgages were not uncommon; but the idea of the Natives was that there was almost no limit to the time in which mortgaged property might be released. He believed that the feeling in the Panjáb was so strong that it was necessary to relax the whole law on the subject, and to permit the redemption of mortgaged land which had been out of possession for a time far beyond our ideas of limitation. He had heard that it was the same in Bombay. He was told that people who had not been heard of since the battle of Pánipat, in 1759, appeared and reclaimed mortgaged land at a recent settlement. He did not wish, under the circumstances, to commit himself to an opinion, but he did wish to impress on the Council the necessity for proceeding with very great caution in the matter. They should not be actuated too much by English ideas, nor should they, without great care, examination and study, accept the views of English lawyers in matters of this kind, but should rather defer to Native ideas on the subject.

The Hon'ble MR. BULLEN SMITH wished to say one word on the subject. He desired to speak with deference to the views of others upon a subject of this kind, but he declared it to be his honest conviction that some amendment of the law in the direction in which this Bill pointed was absolutely necessary. It seemed to him that the Regulations now in force on the subject practically had in view simply and solely the rights of the mortgagor; they seemed designed simply and solely to protect the borrower; and from what had fallen from His Honour the Lieutenant-Governor, MR. BULLEN SMITH was somewhat confirmed in that opinion. He freely granted that the Council could not be too careful, in a country where the possession of land was held so sacred, in making amendments in any law affecting it; but at the same time there was a point—and, in his judgment, that point had been reached—where the desire to protect the mortgagor operated inequitably towards the mortgagee. That, he was sure, would not be His Honour's desire. It was only fair that both should receive equitable protection from the law; but at present, a person who advanced money on the security of landed property in this province did not, in his opinion, when fair ground arose for realizing that property receive that protection and that facility to recover his rights to which he was entitled. It was on these grounds, speaking from a purely practical view, that he gave his support to this Bill.

The Motion was put and agreed to.

PANJÁB MUNICIPALITIES ACT AMENDMENT BILL.

The Hon'ble MR. COCKERELL having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. COCKERELL then introduced the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities), and moved that it be referred to a Select Committee with instructions to report in a week. He said that, as the Panjáb Municipal Act (XV of 1867) expired on the last day of February, the present Bill was virtually designed to revive that Act, with retrospective effect from the date of its expiry. It was apparently desired by the Local Government that the Act should now be made permanent, and the Bill, if passed in its present shape, would give effect to that intention. Looking, how-

ever, to the provisions of Act XV of 1867, the circumstances in which it was passed, and the unusual condition attached to its prospective operation, MR. COCKERELL did not think the Council would be justified in simply re-enacting it for an indefinite period. He quite admitted that, when dealing with measures of this kind in their capacity of a Local Council, they should pay the utmost possible deference to the opinions and expressed wishes of the Local Government, and this obligation was perhaps the stronger where, as in the present case, they had to act without the personal assistance of any of the officers of the province in which the law to be enacted had exclusive operation.

The fact would seem to be that the limitation to the operation of the Panjáb Municipal Act was overlooked, and that the Bill now brought forward should have been introduced into this Council several months ago, in which case full opportunity would have been given for looking into the whole matter and ascertaining, by the light of past experience of the working of the Act, whether its permanent retention was expedient. But as the matter now stood, we were suddenly called upon to give permanency to an Act which was extremely vague and indefinite as to the powers of taxation which it gave, and this with nothing before them to show how an Act of so avowedly an experimental character had worked during the period for which it had been in force. They had, working side by side, as it were, with the municipalities of some of the districts of the Panjáb, the municipal bodies established in the North-Western Provinces under the carefully elaborated Act of 1868—an Act which not only strictly defined the forms of taxation which might be resorted to, but which went so far as to limit the incidence of such taxes as the octroi, which, as past experience showed, had frequently become, and was always, unless carefully checked, liable to degenerate into, a transit-duty on the general trade of the country.

There was nothing before them to show that what were deemed to be wholesome and salutary checks on the exercise of the power of taxing their fellow-townsmen by the Municipal Commissioners in the North-Western Provinces, would be objectionable, or were even unnecessary, in the Panjáb.

It seemed to him (MR. COCKERELL), therefore, that the whole question required very careful consideration, and if the Bill was referred to a Select Committee, he would propose that provision be made for the revival and continuation of the expired Act for one year only. This would allow the existing municipal arrangements, which were now without any legal warrant, to be carried on, and give time for maturing such scheme of permanent legislation for the regulation of municipalities in the Panjáb as might be thought advisable.

The Hon'ble MR. CHAPMAN said that he was very glad to find, from the remarks that had fallen from his hon'ble friend, the Mover, that he proposed that this law should be continued in force for one year only.

During this interval he hoped the Government of the Panjáb would maturely consider such a measure for the regulation of their municipal taxation as would commend itself to the approval of the Council.

Nothing, he thought, could well be more unsatisfactory than the unbounded latitude of the present law in respect to powers of taxation.

Section VI runs thus :—

"Every Committee may, with the previous sanction of the Lieutenant-Governor, define the persons or property within the town to be taxed for the purposes of this Act, the amount or rate of the taxes to be imposed, and may impose such taxes accordingly."

Now, he supposed there was no Member of this Council who would deprecate more strongly than himself undue interference with the action of Local Governments, but it was one thing to vexatiously hamper and fetter executive control over expenditure, and another to confer almost unlimited authority to impose taxes. The Government of India could not, he considered, watch too narrowly and jealously the conduct of subordinate Governments in the matter

of taxation. And he conceived it to be the duty of this Council, when conferring powers in this direction, to fence them in and circumscribe them with the greatest possible exactitude and minuteness.

He confessed he viewed with the gravest apprehension the rapidity with which great burthens were being imposed on the country under the denomination of local taxation. There seemed to be an idea gaining ground that you had only to tax the people for Municipal, Local Fund, or Provincial purposes, and that, by this simple change of names, you at once got rid of the odium and discontent an imperial tax would occasion. If the proceeds of local taxation were honestly and usefully spent for the payer's immediate benefit, it would, no doubt, to a certain extent reconcile him to the burthen, but the naked fact still remained that whether the rupee was extracted from his pocket by his hon'ble friend, Sir Richard Temple, or by a Committee of his own townspeople, he was to that extent a poorer man.

The volume which he held in his hand was the Administration Report of the Bombay Presidency; and he found that there were in existence two hundred and one municipalities, with revenues ranging from five lákhs to two hundred rupees, and collecting a total sum of between twenty and twenty-one lákhs of rupees. Under the name of Local Funds about twenty-five lákhs were collected. In other words, nearly half a million was collected from the up-country population of the Presidency under the head of Municipal and Local Fund taxation. This was exclusive of the amount realized from Sind, from the Town and Island of Bombay, from various other kinds of Local Funds, and under the recent Local Acts for imposing taxes for Provincial Services.

He had just been informed, on what he believed to be excellent authority, that in some provinces of the Panjáb, a sum equal to nearly fifty per cent. of the land-revenue assessment was levied under the denomination of Local Cesses of various kinds.

He thought it was high time that his hon'ble friend, Sir Richard Temple, turned his attention to this state of affairs. In a short time the Council would have the pleasure of listening to his exposition on the financial condition of the country; and he, MR. CHAPMAN, did say that he ought to inform them clearly and fully of the total amount of taxation of every kind and description to which the people were subjected.

The Hon'ble MR. ROBINSON said—"My Lord:—The intention of the hon'ble Mover of this Bill, as now explained to us, to limit its operation to one year, tones down one of the most serious objections to the measure as presented to the Council by the Bill itself; but I think this Council has every right to express surprise at the course pursued by the Government of the Panjáb in this matter, and I think that any proposal to give permanence to this legislation by a *coup de main* should be firmly rejected.

"I speak under correction; for no papers connected with the working of the Act and the reasons for its continuance have been laid before this Council.

"The facts, as I gather them, seem to be as follows:—That highly important Act (XV of 1867) was passed as a temporary, tentative measure by this Council, with no small hesitation, five years ago. The interests involved, and the area covered by the measure, are, I need scarcely remind the Council, very great, namely, the taxation and municipal administration of the numerous town populations of several of those great provinces for which this Council legislates. The Act was passed on the express understanding that its operation would be carefully watched and the stewardship accounted for. The time to which the enactment was limited has expired. But so entirely has the Panjáb Government slept on those conditions, that the watchful Secretary to the Legislative Department had to call the attention of that Government by telegram to the fact that the enactment was on the eve of expiry, and a laconic reply, to the effect that the Lieutenant-Governor wishes the provisions of this enactment to continue

without limit as to time, is, I believe, all that this Council is now asked to act on. It is added that the municipalities want greater powers.

"Now, no doubt the members of this Council have referred to the Act itself, and found that it is pretty much in the character of a law empowering Towns Committees and the Lieutenant-Governor, or Chief Commissioner, as the case may be, to raise any taxes and levy any rates in any way they please; and when they have got the money, to spend it as they like on the list of objects thrown together in section 9. It contains neither administrative nor popular provisions, and is absolutely devoid of everything that serves either as a safeguard to trade, to the public or the rate-payers; as an indication as to the proportionate expenditure on the different objects, or as a guide in respect to sound municipal administration.

"It was natural enough that a Bill of this kind, even five years ago, should be viewed by this Council with great hesitation and awaken anxious deliberation. We find that the hon'ble member who introduced the Bill was fully alive to the very debateable character of the measure. He admitted that 'this Bill,' to quote his words, 'owing to the limited experience we had had of the working of municipal institutions in the Panjáb, must be an imperfect one. We were only,' he said, 'feeling our way, and he had no doubt that, before long, a supplementary Bill to supply deficiencies in the present Bill might very possibly be asked for.' He avowed, too, at a later stage of the same debate, that some of the taxation that was to be legalized under the Bill *did* interfere with trade.

"In the debate which followed, one member remarked that 'he hoped the Council would seriously consider whether powers of the unusual and extensive character proposed by the Bill should be given to the Lieutenant-Governor; for instance, the power, without any control whatever, to appoint Committees, to make rules, to suspend or limit the powers of Committees, and to levy town-duties and taxes. If the Bill was really required,' he further remarked, 'it might be made a temporary Act for *one* or *two* years, but not a permanent enactment. And he added that, 'for the last few years, the system of levying town-duties had been silently spreading, and, as he believed, had acted as a serious check to the commerce of the country.'

"The Hon'ble Mr. Maine admitted, during the debate, that one of the objects of the Bill was to indemnify the Panjáb Government for some of its past acts, 'as there was no doubt,' he said, 'that that Government had exceeded its legal powers, and he (Mr. Maine) quite agreed that the powers proposed to be given by the Bill were somewhat large * * * and in effect restored to the Lieutenant-Governor a part of the legislative power which he had lost in 1861' by the Indian Councils' Act.

"His Excellency Lord Lawrence admitted, at the close of the introductory debate, that there was a good deal of force in the objections raised to the Bill; but seeing that money must somehow be had, he supported the Bill, and held out a hesitating expectation 'that, if there was a very serious abuse of such a power as that proposed to be conferred by the Bill, we should hear an outcry.' His Excellency the Viceroy further added that there was, no doubt, much force in what an Hon'ble Member had advanced, namely, that the tendency of such taxing provisions as were contemplated in the Bill *was to interfere with trade* and *unduly* extend taxation, and he stated that he would oppose any application of such provisions to villages and rural communities, or any addition to the burdens on landed property under its powers.

"The Hon'ble Colonel Durand thought that the objections taken to the Bill were 'exceedingly important. We really ought to know,' he said, 'what we were doing before this Bill was passed. The Bill proposed,' he added, 'to give enormous powers for a widespread system of taxation, and we did not, up to the present moment, know how far that kind of taxation might come into conflict with the general taxation of the country. He thought,' to quote his

words further, 'before the Council proceeded with this Bill, there should be some very clear and specific information furnished to the Hon'ble Members.'

"In presenting the report of the Select Committee on the Bill, the Hon'ble Mover explained that a new section had been added in Committee, namely, that the Act should expire in five years. 'Several provisions of the Bill,' he said, 'were of an experimental character, and it was therefore thought that the propriety of continuing the Act should be reconsidered after that interval;' and he explained that it was this limitation in respect to time that had influenced the Members of the Committee, and 'smoothed over,' as he described it, their objections. They had assented to give the measure five years' trial.

"In closing the debate, His Excellency the President supported the Bill as a tentative measure, on the ground that his experience justified this limited confidence, and he thought that the obvious objections to the Bill had, to quote his words, 'been effectually met by the provision limiting the operation of the Act to five years, and he had every hope that the experiment would be successful.'

"In the subsequent debate on the amendments to be introduced into the Bill, an Hon'ble Member remarked that, 'he had himself once asked to see the accounts of certain Municipal Committees, and it was curious to see the modes of taxation adopted. The Commissioners,' he said, 'were gradually levying taxes of the nature of transit-duties, which must have a very injurious effect on trade.' He further noticed that, in the Panjáb, it had been alleged that the trade of one large town at least, which was formerly a large cotton-mart, had been ruined 'in consequence of a toll levied on goods coming into it.' And he based his hope that such abuses would not *continue* under this Act, on the provision that the limit of five years would secure a full discussion of this important matter in this Council under the light of experience and carefully rendered accounts.

"Now, I think that the action of our predecessors of this Council was marked with cautious judgment, and with every consideration towards the local authorities. It was impossible that any legislative body could be satisfied with a measure of this loose and dangerous character. But the local authorities *had* already exceeded their powers under the law and were in need of indemnification, and with well-judged reluctance the trust was continued to them for a sufficiently long period to enable them to carry on their work and to secure materials and experience sufficient to enable this Council *now* to legislate with deliberation and assurance.

"But the same Council has clearly bequeathed to us a duty which, under special circumstances, they were unable to perform themselves; and they have provided us with the full opportunity of fulfilling that duty deliberately, honestly and openly.

"But will any one say that the local authorities of the Panjáb have fulfilled the implied agreement under which their Act was passed five years ago? I think not. And I would earnestly ask this Council to consider whether they have been placed in a position to redeem the pledge which was held out to the public five years ago, to give this important subject careful consideration and full re-examination at this time.

"At this late period of our sitting no proper consideration could be given to this important matter, even although cart-loads of information were supplied, and the Act had not actually expired. Examination and deliberation are now simply out of the question. I therefore consider that a short Act should be passed to continue the present Act for one year only. The conduct of the local authorities entitles them to no greater consideration. In the meantime, thorough enquiry into the administration of Act XV of 1867 should be made, and materials collected to enable sound and full legislation next year on this matter.

"I have trespassed, I fear, already at too great length on the patience of this Council, but I am deeply convinced that the matter before it is one

of very serious importance throughout the country. It is nothing less than the question of widespread taxation, and municipal government of the vast town populations of this great Empire. It is one which may now well occupy the consideration of the legislature of India; one which, I fear, has already been too long relegated to local bodies and interests. This matter is scarcely inferior in importance to the discussion of imperial taxation and expenditure; for, if we only bear in mind the very important influence which town populations in every country exercise over the loyalty and affection of the general population, some of us will, I think, deem that deep importance attaches to the presence of sound principles of taxation and administration in legislation of this nature.

"For several years past, something in the direction of municipal taxation and administration has been going on in each of our Provinces, but each has been left very much to its own devices and to its own local legislature; a hap-hazard condition of things has sprung up in consequence throughout the country.

"This direction of taxation has been enormously stimulated by the action enjoined by the late financial policy adopted by the Government of India; and the increasing burdens thrown upon Local Governments and Provinces have of course in part been shifted on to municipal bodies with powers and instructions, in some cases, to get all they can out of almost any source that can be devised. I am satisfied that the time has fully come when the supreme legislature is bound thoroughly to canvass the main sources of taxation and the more important features of municipal administration, in a manner that will serve for guidance where narrower feelings and more local influences are at work than are likely to be met in the supreme legislature of the Government of India. And I am sure that there is no member of this Council that has not been seriously impressed with the character of the discussions which have been going on in different parts of the Empire on this important subject.

"The opportunity will be afforded by the discussion which will arise on the proposal to re-enact Act XV of 1867, if the measure now before the Council be limited to one year.

"I am satisfied that several of the sources of taxation which are now placed at the disposal of these small Towns Committees in all parts of the country require careful consideration and canvass. The debate which took place five years ago shows that even then there was a great tendency to revive the pernicious transit-duties of days gone bye. I am inclined to believe that this tendency has taken greater development during the interval. We want to know whether these improprieties are occurring in the Panjáb. There is nothing in the Act to prevent them. I have recently observed casual discussions relating to octrois and towns-duties, which show that opinion is very divided, and naturally so, on a subject of the utmost importance to trade, and I think that inquiry will elicit some errors of practice. Clearly, these are matters for imperial, rather than local, legislative discussion, and discussion may be raised on the Bill to be presented after due deliberation next year.

"I will hazard another instance of what I consider the danger of this kind of hap-hazard legislation. We all of course dislike exceedingly telling stories out of school, but they sometimes serve to illustrate a true position and fix attention on a matter which is well worthy of thought. If nothing else, the one I have to tell shows that, if the Panjáb Municipalities are levying *quasi* transit-duties, they are not singular in their acts.

"I had recently to examine the conduct of the municipal vestries of various towns in the Madras Presidency, and I found that several of them had absolutely turned over the whole, or nearly the whole, of their local obligations to the trade of the country by a system of tolls. They happened to be towns situated on great arteries of trade, and by erecting toll-bars on those great thoroughfares, and charging heavy rates, the greater part—in some cases nearly

the whole—of what was required to be spent on their town drains, cess-pools, &c., and on the Police and sanitation of a small locality, was being persistently levied on the trade of the country. At one or more seaport-towns, tolls on trade brought there for exportation paid nearly the whole cost of their local institutions; scarcely a rate was raised or a tax imposed.

"Now, when we bear in mind that there is a perfect net-work of these Trade-trap municipalities throughout the country, each ready enough to shift its local obligations on to the trade of the country, I need scarcely say that such matters are not safely entrusted in the main to municipal vestries and to district presidents. Local Governments and Chief Commissioners sometimes, I fear, lose sight of broad considerations amidst the pressure of need and other obvious influences. Tolls are right in right places; but I am satisfied that there are such things as wrong places. The disorders noticed in respect to Madras, have, I feel sure, been rectified in practice, but the law should make these things impossible.

"On the whole, I think therefore that this legislature must do its duty, and take advantage of the opportunity, which should be now secured, for the thorough and deliberate discussion of the whole matter which is involved in this legislation next year. In the meantime, it will suffice to save the Government of the Panjáb from the consequence of their laches."

His Honour THE LIEUTENANT-GOVERNOR said, that his official connection with the Panjáb was during the happy days before any laws were extended to that Province. Since that, he had several times visited it, and had maintained his connection with that Province, and his relations with the officers of the Panjáb Commission had been extremely intimate. His HONOUR was quite free to admit that there might have been mistakes committed in the Panjáb, but his impression was that they were mistakes which had been committed in common with other Provinces. His impression also was that those mistakes had been corrected under the orders of the Government of India, and that during the last five years they had been very much checked and diminished, and the municipal taxation had been brought into a clear and reasonable system. With regard to the strictures that had been made by hon'ble members on the Panjáb system, he believed that there were in no other Province municipalities that were so real, so vital, and so self-acting as in the Panjáb. Therefore, the good that had been gained might fairly be considered; and although there had been mistakes, great results had been obtained. His HONOUR entirely disagreed with those who held that the system of administration by local bodies and voluntary local taxation was necessarily an evil; on the contrary, he maintained that to teach the people of this country to govern themselves by local institutions was a great gain: it was a path upon which the Government had entered, and he hoped that they would follow it out discreetly and well. It was not necessary now to enter into a discussion of the great questions of local taxation. But His HONOUR differed from the views of those who held that it was wholly a failure, or that it could be assumed that direct was preferable to indirect taxation; for the people did prefer indirect taxation; and provided that this Bill guarded against the abuses of indirect taxation, His HONOUR did not see why the people should not be taxed in the way most agreeable to themselves.

Major General the HON'BLE H. W. NORMAN trusted that the renewal of this Bill would be proceeded with with great caution, for he believed that municipal taxation in some parts of the country had produced as great dissatisfaction as the income tax itself, and he feared that, in some cases, this taxation was exacted for purposes not so manifestly necessary as those for which the income tax was raised.

The Hon'ble MR. ELLIS did not intend to follow his hon'ble friend, Mr. Robinson, in the discussion on the numerous points on which he had

descanted in his speech; for MR. ELLIS did not think that such a discussion was appropriate on the present occasion. Such subjects had been better left for consideration when the details of the Bill came to be considered. MR. ELLIS entirely concurred with what had fallen from His Honour the Lieutenant-Governor in refutation of Mr. Robinson's strictures upon the municipal system of the Panjáb: the system had no doubt been abused, and those abuses had attracted the attention of the Government of India; a re-action had set in very greatly in the other direction, and, in his opinion, even too strongly. There was a sort of crusade against octroi-duties; orders were issued almost entirely sweeping them away, and reducing the managers of these municipalities to resort to other modes of taxation which were not popular. These orders were afterwards modified, but the greatest care was taken to prevent town-duties becoming transit-duties.

With reference to what had fallen from his hon'ble friend, General Norman, MR. ELLIS would observe that it was true that municipal taxation had caused discontent. He believed that that discontent had been caused by the substitution of other modes of taxation for a system of octroi-duties, which, in many parts of India, was the mode of taxing most congenial to the people; it was the very attempt to get rid of these octroi-duties that had led to the introduction of other modes of taxation, which were felt by the people more severely, and pressed upon them more heavily, than either imperial taxation or octroi-duties. He would not dwell further upon that subject, because as he had said, it did not appear to him to be appropriate to the present question. He would express his concurrence with the hon'ble member in charge of the Bill, that a Bill be passed to continue the existing Act for a further period of one year.

The Hon'ble SIR RICHARD TEMPLE said, that, although he entirely agreed with what had fallen from his hon'ble friends Messrs. Chapman and Robinson, with respect to the expediency of limiting the operation of this Bill to one year, and also with what had fallen from his colleagues Mr. Ellis and General Norman, nevertheless, he would venture to assure his hon'ble friends that, if they now visited the Panjáb and saw the good condition of the cities and what had been done both in the way of material and moral improvement, he thought they would agree with him that municipal taxation had not been carried too far, and that, as far as it had been carried, it had been entirely used for the good of the people, and had been attended with the most beneficial effects. Further, he was sanguine that if hon'ble members would be good enough to look into the proceedings of the Government of India about the date of July 1868, they would find that these very principles, which they had now so justly maintained with reference to the limitation of taxation, had been at that time particularly considered, and were embodied in the resolution of the Government of India in which one of his hon'ble colleagues opposite (Mr. Strachey) was greatly concerned. It would there be found that this portion of taxation would in no way be permitted to operate as a transit-duty. Taxes which could in any way affect commerce were eliminated, and the taxation that remained was only such as could justly and legitimately be imposed. SIR RICHARD TEMPLE believed that that resolution had been acted upon up to the present day. Possibly, one or two of these objectionable duties had been imposed, but at any rate they had been small. Take the condition of those towns, and take the estimation in which they were held by the public, and then say whether or not these principles had been fully acted upon. If that was the case, then he thought all objection to this Bill should be withdrawn.

One word more he would say financially. An Imperial Act was passed last year for enabling municipalities to borrow money from the Government on proper security; that Act applied to every Local Government, to every Province, throughout British India. He assumed that, in passing that Act, this legislature did, to a large extent, sanction the principle upon which municipalities and municipal taxation were established. If so, he wished to point out

that now to refrain from re-enacting the law, or in any way to stop the operation of the law in the Panjáb, might place municipalities in a very embarrassing position in respect to loans which they might have contracted or which they might wish to contract. And if there was any doubt as to the propriety of continuing terminable Acts, or Acts of a limited time, with respect to a particular province, then there might be a doubt whether the Council should have passed the general Act to which he had referred. On these grounds he believed there should be very little doubt as to the propriety of passing the Bill now before the Council.

The Hon'ble MR. CHAPMAN wished to be informed whether his hon'ble friend assented to give, as far as he was able, the information as to local taxation he had asked for.

The Hon'ble SIR RICHARD TEMPLE said, he thought the question of the hon'ble member was one which rather trenched upon the Executive, and he was not quite sure that he ought to comply with the request that was made. He was, however, in the hands of His Lordship the President as to whether His Excellency wished the information to be given or not.

His Excellency THE PRESIDENT said, he did not think there was any objection to Sir Richard Temple stating, as a matter of fact, whether he was willing to give the information. For HIS EXCELLENCY'S own part, he did not see any objection to the information being supplied so far as it was available. He believed that this information had already been collected in Madras, and would be received by the Government of India in a short time.

The Hon'ble SIR RICHARD TEMPLE said, that the statement which he gave in his last Budget Exposition was as near an estimate as could be obtained of all the items of local taxation in India, including the new branch of provincial taxation which came into existence in consequence of the Provincial Service scheme passed last year. So, this year, or the next year, if the figures and data to show how that estimate had turned out were available, there could be no possible objection to include it in the Budget statement. He could not at this moment say whether the figures of the current year had been received from the Local Governments in sufficient detail to enable him to give a very precise statement.

The Hon'ble MR. CHAPMAN rejoined that he did not like to contradict his hon'ble friend, but to the best of his recollection the last Budget statement contained no allusion to local funds, and certainly none as to the amount of municipal taxation.

His Honour THE LIEUTENANT-GOVERNOR said, that the Government of India had desired the Local Government to submit accounts which would supply very completely the whole of the information which the Hon'ble Mr. Chapman had asked for. With reference to the Government under his control, it would be his wish to afford every information in his power to give.

His Excellency THE PRESIDENT said, that, so far as it went, he would be happy to use his influence to cause the information asked for to be supplied. He thought it was desirable that a picture of the extent of municipal and local taxation should be given in as accurate a form as possible.

The Hon'ble MR. STEPHEN said, that he had several remarks to offer, to which he would beg the attention of the Council. With regard to the conduct of the Panjáb Government, he was sorry to say that he could not defend them from the charge of negligence in having taken no steps to obtain a renewal of the existing municipal law. He regretted that his hon'ble friend, Mr. Cockerell, who had been good enough to take charge of the Bill at his (MR. STEPHEN'S) request, had not informed him of the view he took as to the term for which

the Act was to be revived. The result of this was, that the printed Bill revived the expired Act and made it perpetual; whereas the hon'ble member in charge had spoken strongly in favour of its being revived for one year only.

With reference to the proposed change itself, MR. STEPHEN would remark that there was a very large number of municipalities in the Panjáb, as many, he was informed, as 300, which had the control of municipal income. These municipalities had to provide taxation for the following amongst other purposes—town police, education, sanitary arrangements, statistics of life and health, all works of town improvement. Hon'ble gentlemen who were acquainted with the Panjáb must know perfectly well how necessary all these works were. The effect of the change proposed might be to put a stop to all these improvements; to throw every thing into uncertainty; and to render it impracticable for any municipality to undertake works the execution of which might extend over a period of one year. The Hon'ble Mr. Robinson, moreover, spoke, as he thought, with undue severity of the Panjáb Government. If they had been negligent in not applying at an earlier period for the extension of the Act, public interests should not be made to suffer. MR. STEPHEN thought that, in this particular case, the Council would do well to accept the views expressed by the Local Government, and not enter upon such an inquiry as the one suggested by his hon'ble friend, as they would find it in practice very difficult to carry out such an inquiry in a satisfactory manner. His hon'ble friend, Mr. Robinson, said that they would find broader views in this Council than in the Local Governments. MR. STEPHEN would ask why a committee consisting of three or four members, each with local views of his own, taken from Madras or Bombay, should have broader views on any subject than the Lieutenant-Governor of the Panjáb and his principal advisers. Considering the position and experience of the members of that Government, he should be particularly disposed to accept their views in this matter. Of course, it was in the power of the Council to limit this Bill to one year. If they did, he hoped they would consider that the late Lord Mayo spoke most strongly, after personal experience, of the successful administration of these municipalities as the most characteristic part of Sir Donald McLeod's administration. MR. STEPHEN hoped the Council would also bear in mind the fact that, very recently, the Lieutenant Governor of the Panjáb himself had called attention to the intolerable state of filth of many parts of the city of Delhi, and to the cholera which had been caused there. If that town, and others to which he need not at present refer, were to be improved at all, it must be by the execution of works of improvement extending over a considerable period of time. If the Council should reject the suggestion made by the Local Government as to the time for which the Act was to be continued, it would prevent the undertaking of works of improvement the execution of which was likely to extend over any considerable time. He must confess that he hoped the Council would consider the matter long before they arrived at any such conclusion. He might observe that the discussion of the question was altogether premature. The question whether the Act should be perpetual, or revived for a limited period, was one which would more properly be considered in committee, and he thought we should have no difficulty in receiving such a communication from the Panjáb Government in regard to this Bill as would give a full general statement of the grounds upon which they wished that the Act should be made perpetual.

The Hon'ble MR. COCKERELL explained that the duty of introducing the Bill having been assigned to him very shortly before the meeting of the Council, there had, in fact, been but little time for him to communicate to the hon'ble member his (MR. COCKERELL'S) views as to how the proposal of the Panjáb Government should be dealt with. He must, however, remind the Council, in reference to the remarks of the hon'ble member, that he (MR. COCKERELL) had drawn especial attention to the fact that the Bill, in its present shape, provided

for the permanent continuation of Act XV of 1867, and had then gone on to express his opinion that the Act referred to should be revived and continued for one year only, and that he should recommend the adoption of this course when the Bill came before the Select Committee to which it was proposed to refer it.

The Hon'ble MR. ELLIS thought that the passing of a Bill to make the Act permanent should be taken into consideration at Simla, where, although the Council would be deprived of the Hon'ble Mr. Robinson's assistance, they would have the advantage of the presence in Council of His Honour the Lieutenant Governor of the Panjáb, and perhaps of others who had some knowledge of the Panjáb.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities)——The Hon'ble Messrs. Stephen, Inglis, Robinson, and Chapman and the Mover.

On the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind——The Hon'ble Messrs. Stephen, Inglis, Robinson and Cockerell and the Mover.

The Council adjourned to Tuesday, the 12th March 1872.

CALCUTTA,
The 5th March 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Delhi
Ambála

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE WEATHER AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—There has been some little rain during the last fortnight in parts of Madras, in the Panjáb, from Jalandhar to Peshawar, and over a great part of the Central Provinces. The fall was, however, in most places slight; the heaviest being 1·36 and 1·3 inches in Jabalpur and Narsinghpur respectively, where the rain had damaged the crop either harvested or in process of being so.

On the whole things are much as they were a fortnight ago, except for the progress made in getting in the rabi harvest. Khandesh and some other tracts in the Bombay Presidency, the northern coast districts of Madras and the neighbourhood of the Chilka lake, the Berars and parts of Rajputana are the only regions which have suffered from calamities of season in any degree which need cause anxiety. Measures have been taken to afford such assistance as these cases demand. The tracts affected are for the most part contiguous to, or in ready communication with, well-supplied districts, so that no actual failure of food is to be feared.

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS ...	Ganjam	March 13 ...	Slight...	March 14 ...	Prices steady; health good; cattle disease prevalent.	General circumstances of the Presidency unchanged. Relief measures continued in North Coast District.
	Vizagapatam ...	" ...	"	" ...	Prices steady; market well supplied; importation of grain continues; health good; water supply diminishing.	
	Godávari ...	" 11 ...	*Nil*	" ...	Prices steady; market well supplied; health good.	
	Masulipatam ...	" 13 ...	...	" ...	Prices steady or declining; markets well supplied; crops in good order; harvest, fair outturn; pasture generally sufficient; health generally good.	
	Nágapatam ...	" ...	*Nil*	" ...	Prices steady. Prospects fair.	
	Trichinápalli ...	" ...	Slight	" ...	Prices steady. Crops in fair order. Harvest below average.	
	Calicut ...	" 12 ...	*Nil*	" ...	Prices declining. Health fair. Prospects fair.	
BOMBAY AND SINDH ...	Karáchi ...	March 13 ...	*Nil*	March 14 ...	Rabi crops good, but a little damaged by frost.	
	Gúzarát ...	" ...	...	" ...	Late crops and cotton nearly reaped.	
	Khandesh ...	" ...	...	" ...	Prospects of grain and cotton crops unfavorable.	
	Deccan ...	" ...	...	...	Rabi crops reaped. Cotton unfavorable in Púna and Sholápur.	
	South Mahráthá Country	" ...	...	" ...	Grain crops reaped, cotton indifferent in Kaladghi; middling in Dharwar and Belgam.	

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
BENGAL ...	Bhágalpúr Division ...	March 13 ...	...	March 14 ...	Weather fair; winter crops reaped; spring crops satisfactory.	
	Sonthal Parganas ...	" ...	...	" ...	Weather getting hot; hardly any crop in the ground.	
	Patna Division ...	" ...	...	" ...	Weather dry; rabi crops on the whole favorable; poppy and some other crops have suffered a little in Champáran from hail-storms.	
	Rájsháhi " ...	" ...	...	" ...	There was a thunder-storm and rain in Rájsháhi on the 1st; weather getting hot throughout the Division; crops satisfactory; in Dinájpur mustard has been partially injured from want of rain in October in Murshidabad, gram and wheat have been injured to some extent in consequence of rain.	
	Bardwán " ...	" ...	...	" ...	Weather becoming hot; spring crops favorable; but in Bánkura outturn is not expected to be over 12 annas.	
	Presidency Division ...	" ...	...	" ...	Weather fair and hot; crops good.	
	Dacca Division ...	" ...	...	" ...	Warm weather setting in; prospects of crops continue good; partial failure of mustard crop in Srihatt.	
	Chattagaon Division ...	" ...	...	" ...	Weather warm; crops good.	
	Katak Division ...	" ...	*Nil*	" ...	Prospects of crops good; distress in the Chilka isthmus and in Málud and Parikúd.	
	Chota Nagpúr Division ...	" ...	...	" ...	Weather seasonable; the crops are off the ground.	
	Assam Division ...	" ...	...	" ...	Weather fair; crops satisfactory.	
	Kuch Bihár ...	" ...	...	" ...	Weather fine; crops good in Kuch Bihár generally; there are no crops in the ground elsewhere.	
N. W. PROVINCES ...	.....	...	...	March 14 ...	Weather excellent; prospect of harvest good everywhere, especially so in Agra and Mirat Divisions, in the Doab generally, and in Bandelkhand.	

PANJÁB ...	Delhi ...	March 13 ...	*Nil*	March 14 ...	Crops doing well; weather rather warm.	More rain wanted in central part of Panjáb; harvest prospects generally favorable.
	Ambála ...	" ...	...	" ...	Good.	
	Jalandhar ...	" ...	·4	" ...	Good.	
	Lahor ...	" ...	·6	" ...	More rain wanted.	
	Multan ...	" ...	*Nil*	" ...	Crops in want of rain.	
	Ráwal Pindi ...	" ...	3	" ...	Good.	
	Pesháwar ...	" ...	7	" ...	Good.	
OUDH ...	Lucknow ...	March 13 ...	*Nil*	March 14 ...	Rabi crops looking well; peas being cut.	
	Faizábád ...	" ...	...	" ...	Telegraphic communication interrupted; last accounts favorable.	
CENTRAL PROVINCES ...	Ráipur ...	March 9 ...	·07	March 14 ...	Wheat crops being reaped, outturn estimated not much below average; one-fourth linseed crop lost.	
	Biláspur ...	.....	Slight	.....	Weather cloudy; rabi crops not so good as last year; oil seeds suffered much.	
	Sambalpur ...	.....	...	.....	No change.	
	Nágpur ...	March 12 ...	*Nil*	March 14 ...	Rabi crops gathered; prices of grain stationary; weather growing warm.	
	Wardha ...	.....	Slight	.....	All crops except opium harvested.	
	Jabalpur ...	March 13 ...	1·36	.....	Prospects fair, but wheat in places suffering from "girwa;" late rain-fall has been prejudicial to wheat, but actual loss cannot yet be ascertained.	
	Ságar ...	.....	...	.....	Average crop only expected; hail and "girwa" having done damage.	
	Sioni ... / Damoh ...	.....	...	.....	Prospects favorable.	
	Hoshangábád ...	March 13 ...	·2	March 14 ...	Harvest outturn below average of past ten years.	
	Betúl ...	.....	...	.....	Outturn above three-fourths.	
	Nimár ...	.....	...	.....	Wheat and gram being harvested.	
	Narsinghpur ...	.....	1·3	.....	Gram and mosur cut; wheat ripening; rain slightly damaged cut gram; prospects favorable.	
HAIDARÁBÁD ASSIGNED DISTRICTS ...	East Berar ...	March 14 ...	...	March 14 ...	Want of water becoming sensibly felt in some parts of division; rabi crops completely harvested; health good.	
	West Berar ...	...	...	...	No report.	
RÁJPÚTÁNÁ ...	Sirohi ...	March 9 ...	...	" ...	Tanks dry; wells very low; crops fair.	
	Meywár ...	" ...	...	" ...	Water very scarce; crops extremely poor.	
	Márwár ...	...	...	" ...	Water supply tolerable; crop prospects fair.	
	Deoli / Kotta / Jhaláwar ...	February 24 ...	...	" ...	Prospects continue good.	

Presidency or Province.	District.	Date of District Report.	Rain-fall for fortnight preceding	Date of Report from Local Government or Administration	State of agricultural prospects.	Remarks of Local Government or Administration.
RAJPÚTÁNÁ—*continued*	Jaipur—					
	Jaipur ...	March 14 ...	...	March 14 ...	Weather cloudy; crops favorable.	
	Ajmir and Mhairwára ...	...	...	„ ...	Weather cloudy, crops satisfactory in Ajmir In Mhairwára crops poor; works opened to afford relief.	
CENTRAL INDIA ...	Indor ...	March 13 ...	*Nil*	„ ...	Prospects in Malwa continue excellent; opium produce is beyond the average. The drought in Nimar, Khandesh, and the southern portion of the Agency of Ali-Rájpur and Barwani, below the Ghâts, is causing suffering, small rivers are dry and country burnt.	
	Gwalior ...	„ ...	16	„ ...	Prospects favorable.	
	Bághelkand	„ .	*Nil*	„ ..	Good	
	Satna ...					
	Nimach ..	„ ...	...	„	Rabi prospects good.	
MYSOR AND KHURG ...	Bangalor ...	March 14 ...	*Nil*	March 14 .	The hot weather, paddy, and sugarcane crops look parched in some places from want of water.	No material change in the prices of grain.
	Mysor ...	„ 12 ...	„	„ ...	Sugarcane, cotton, castor oil seed, and paddy thriving. Murram prevails in the subdivision.	
	Khurg ...	„ 14 ...	„	„	Same as last reported.	
BRITISH BARMA ...	Rangoon ...	...	„	„ .	No crops.	

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations .....305—360

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .....77—81

PART III.—Advertisements and Notices by private Individuals and Corporations .....81—85

PART IV.—Acts of the Governor General's Council assented to by the Governor General :—
The Indian Evidence Act, 1872 .....27—51
Panjáb Municipalities Act Continuance Act..... 51
Marriage Act, 1872 .....51—55

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19 :—
Bills Nos. IV. & V. *not published.*
Privy Council Appeals Bill .....133—135
Mortgage Procedure Bill 135
Native Passenger Ships Act, 1870, Amendment Bill .....136—137

SUPPLEMENT, No. 12 .....215—228

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 19th March 1872.

No. 1358.—The services of Mr. W. M. Souttar, M. A., of the Bengal Civil Service, are replaced at the disposal of the Government of Bengal from the afternoon of the 16th instant.

No. 1377.—Mr. H. W. Wellesley, Officiating Under Secretary to the Government of India in the Home Department, assumed charge of his duties on the forenoon of the 19th instant.

JUDICIAL.

The 18th March 1872.

No. 533.—The Hon'ble Elphinstone Jackson, a Judge of the High Court of Judicature at Fort William in Bengal, availed himself on the 29th ultimo of the leave of absence granted to him in Notification No. 123, dated the 25th January last.

No. 539.—Leave of absence on private affairs for six months is granted to Mr. J. Graham, Advocate General, with effect from the date on which he may avail himself of the same.

No. 541.—APPOINTMENT.—Mr. H. S. Cunningham to officiate as Advocate General during the absence of Mr. Graham, or until further orders.

POLICE.

The 22nd March 1872.

No. 198.—The services of Captain T. Lowndes, Superintendent of Police, 2nd Grade, British Burmah, are placed at the disposal of the Foreign Department for employment as Assistant Political Agent at Bhamo.

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870 :—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1*st.*—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2*nd.*—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3*rd.*—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4*th.*—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial.
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1*st.*—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2*nd.*—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

COMMERCE AND TRADE.

Fort William, the 22nd March 1872.

No. 23.—Mr. Harry Rivett-Carnac, Commissioner of Cotton and Commerce with the Government of India, is allowed privilege leave of absence for three months, with effect from the 8th proximo, or any subsequent date on which he may avail himself of it.

SURVEYS.

The 18th March 1872.

No. 174.—Consequent on the departure on furlough for two years of Captain Donald Macdonald, Deputy Superintendent of the 3rd, officiating in the 2nd, Grade of the Revenue

Survey Department, the following promotions are made with effect from the 18th January last:—

Captain Fitzherbert Coddington, Deputy Superintendent, 3rd Grade, to officiate in the 2nd Grade.

Captain William Henry Wilkins, Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 3rd Grade.

The 20th March 1872.

No. 178.—Colonel D. C. Vanrenen, Superintendent of Revenue Surveys, is allowed privilege leave of absence for three months from the 11th April next, or from the date on which he may avail himself of the same.

The 22nd March 1872.

No. 182.—Captain E. W. Samuells, Assistant Superintendent of Revenue Surveys, 1st Grade, having returned from furlough and rejoined his appointment on the 4th instant, Mr. E. C. Barrett, Assistant Superintendent, 2nd Grade, reverted to his permanent appointment on the same date.

A. O. HUME,
Secretary to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

GENERAL.

Fort William, the 22nd March 1872.

No. 579*G.*—LEAVE.—Major W. H. Beynon, Political Agent, Jeypoor, is granted leave of absence from the 9th to the 13th February 1872, to enable him to rejoin his appointment on return from furlough to Europe.

No. 581*G.*—Assistant Surgeon J. H. Hendley resumed medical charge of the Marwar Agency, and relieved Surgeon W. J. Moore, in temporary charge thereof, on the afternoon of the 19th February 1872.

No. 583*G.*—Colonel R. C. Lawrence, C. B., made over, and Doctor D. Wright, Residency Surgeon, received, charge of the Nipal Residency on the afternoon of the 9th instant.

No. 584*G.*—LEAVE.—Captain E. Temple, Assistant Political Agent in Bundelkund, is granted 15 days' preparatory leave from the 3rd proximo or the subsequent date in April on which he may avail himself thereof, to enable him to proceed to Bombay for embarkation to England on furlough.

No. 586*G.*—APPOINTMENT.—Lieutenant T. H. Maitland, Bengal Staff Corps, Boundary Settlement Officer, Bhopal, to officiate as Political Assistant in Bundelkund, and Cantonment Magistrate, Nowgong, *vice* Captain Temple, proceeding on furlough.

No. 588*G.*—APPOINTMENT.—Captain P. W. Bannerman, Bheel Agent, and Political Assistant and Commandant, Malwa Bheel Corps, to officiate as Political Agent, Baghelcund (Rewah) during the absence on leave of Captain E. R. C. Bradford.

No. 590*G.*—APPOINTMENT.—His Excellency the Viceroy and Governor General has been pleased to appoint Captain R. C. Stewart, Assistant Adjutant General, My ore Division, to be Military Assistant to the Chief Commissioner of Mysore, *vice* Colonel Ramsay, who vacates his appointment on taking furlough to Europe.

Captain Stewart will, however, continue to act as Private Secretary to His Excellency the Governor of Madras until further orders.

No. 592*G.*—APPOINTMENT.—Lalla Bunsee Lall, Judicial Sheristadar, to be Extra Assistant Commissioner, Ajmere, on probation for six months, *vice* Pundit Rutton Lall, transferred to the North-Western Provinces.

No. 594*G.*—PROMOTION.—Havildar Umreea, of the Erinpoora Irregular Force, is promoted to the rank of Jemadar, *vice* Rajeea, deceased, with effect from the 6th of February 1872.

C. U. AITCHISON,
Secretary to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 19th March 1872.

No. 2127.—Mr. R. A. Sterndale, Officiating Assistant to the Comptroller General, is allowed furlough to proceed to England for one year, with subsidiary leave for fourteen days.

Mr. R. W. Mathews is appointed to officiate as an Assistant to the Comptroller General in the 3rd Class of the Financial Department.

Mr. E. W. S. Login is appointed to officiate as Assistant to the Commissioner of Paper Currency in Bombay.

LEAVE AND ALLOWANCES.

The 20th March 1872.

No. 2098.—Mr. J. Westland, Under Secretary to the Government of India in the Financial Department, availed himself on the afternoon of the 8th instant of the leave granted to him on that date.

Mr. D. M. Barbour is appointed to officiate as Under Secretary to the Government of India in the Financial Department, with effect from the 9th instant.

Mr. Barbour officiated as an Additional Under Secretary to the Government of India in the Financial Department from the 8th January 1872 to the 8th instant.

MINT AND CURRENCY.

The following letter from the Officiating Under Secretary to the Government of India in the Financial Department, to the Comptroller General, No. 2118, dated Fort William, the 22nd March 1872, is published for general information :—

> In reply to your letter No. 6769, dated the 2nd instant, I am desired to state that although under Section 13 of Act XXIII of 1870, the fourth and eighth of a rupee are legal tenders for fractions of a rupee, even if the coins have lost more than two per cent. in weight by reasonable wear, yet such coins are to be dealt with strictly according to the provisions of Section 16 of the Act when presented to an Officer authorized to act under that section.

The 22nd March 1872.

No. 2227.—The following Statement of the silver received and coined in the mints of Calcutta and Bombay in February 1872 is published for general information :—

	CALCUTTA.			BOMBAY		
	BULLION OR COIN RECEIVED DURING THE MONTH, VALUED IN RUPEES.		Coined and examined during the month, valued in Rupees.	BULLION OR COIN RECEIVED DURING THE MONTH, VALUED IN RUPEES.		Coined and examined during the month, valued in Rupees
	Government.	Merchants.		Government.	Merchants	
In February 1872	382	49,26,302	32,55,779	1,93,896	56,98,835	27,99,300

SEPARATE REVENUE.

(STAMPS)

The 22nd March 1872.

No. 2135.—The Governor General in Council is pleased to direct that the provisions of Financial Notification No. 2004, dated 14th July 1871 (of which a copy is hereto appended), shall have retrospective effect from the 1st day of April 1870, the date on which the Court Fees' Act VII of 1870 came into force:—

In exercise of the power vested in him by Section 35 of the Court Fees' Act, 1870, the Governor General in Council is pleased to remit in the whole of British India the fees chargeable under the said Act, Schedule I, Article 11, in respect of probate of wills, or letters of administration, in so far as such wills or letters of administration relate to property, which a deceased person was possessed of or entitled to, not beneficially, but as a trustee for any other person or persons.

Provided that this remission shall not extend to cases in which a trustee has the power of appointing or otherwise conferring a beneficial interest in the trust property.

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 16th March 1872.

No. 283 *of* 1872.—Inspector General of Hospitals G. S. Beatson, C B., appointed to this Presidency, having reported his arrival at Bombay from England on the 13th instant, is directed to relieve Inspector General of Hospitals Dr. W. M Muir, M. D., C. B, from the Office of Inspector General of Hospitals, British Troops, the latter Officer returning to England.

No. 284 *of* 1872.—The under-mentioned Native Medical Pupils, whose admission into the service was notified in G. G. O. No. 389, dated 27th April 1871, having absconded, are struck off the list of Native Medical Pupils, with effect from the 5th January 1872:—

Gopal Sing Goorung, No. 176.
Abdool Hameed, No. 172.

No. 285 *of* 1872.—The under-mentioned 1st Class Hospital Assistant, attached to the Jawud Neemuch Dispensary, is transferred to the Pension Establishment:—

RANK	NAME	CIRCLE OF PAYMENT
1st Class Hospital Assistant	Fyazooddeen	Presidency

The 18th March 1872.

No. 286 *of* 1872.—The furlough to Europe on private affairs for two years, under the Regulations of 1868, granted to Lieutenant A. Gaselee, of the Bengal Staff Corps, 1st Wing Subaltern, 4th Punjab Infantry, by G. G. O. No. 1043, dated 28th November 1871, is cancelled at his own request.

No. 287 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.—*Corps of Guides.*

Captain H. Wylie, of the General List, Infantry, to officiate as Wing Officer during the absence on furlough to Europe of Lieutenant A. G. Hammond, or until further orders.

No. 288 *of* 1872.—His Excellency the Governor General of India in Council is pleased to notify that Orderly-room Clerks of Hill Depôts shall, like Regimental Orderly-room Clerks, receive an increase of 6 pence per diem after an uninterrupted service of three years; but as such appointments are only temporary, the incumbents will not acquire the status of Regimental Orderly-room Clerks, as prescribed by Royal Warrant.

2. The provisions of this Order are applicable to the three Presidencies.

The 19*th March* 1872.

No. 289 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on urgent private affairs:—

Lieutenant Colonel George Delane, of the Bengal Staff Corps, Commandant, Governor General's Body Guard,—for six months, under Rule XI of the Regulations of 1868, embarking at Bombay.

No. 290 *of* 1872.—The following extract from the contract between Her Majesty's Post Master General and the Peninsular and Oriental Steam Navigation Company, dated 6th August 1870, is published for general information:—

Extract Para. 37.—"In all cases where an Officer in the Civil, Naval or Military Service of Her Majesty who may not be entitled to a passage at the public expense, shall require a passage on board any of the vessels employed in the performance of this contract, the Company shall be bound, when they have room, to provide a passage for such Officer in preference to private passengers, and shall charge no higher rate for such passage than is chargeable for an ordinary passenger."

2. Officers desiring to be provided with such passages should apply to the General Officer Commanding at the port of embarkation.

This Order is applicable to the three Presidencies.

No. 291 *of* 1872.—The following promotions are made in the Warrant Grades of the Public Works Department with effect from the dates specified:—

To be Conductor.

Sub-Conductor J. Mole, Sub-Engineer, 2nd Grade, Punjab,—from the 7th December 1870, *vice* Conductor Grice, promoted.

To be Sub-Conductors.

Sergeant S. Peart, Supervisor, 2nd Grade, North-Western Provinces,—from the 7th December 1870, *vice* Conductor Grice, promoted.

Sergeant R. Bruce, Sub-Engineer, 2nd Grade, North-Western Provinces,—from the 15th July 1871, *vice* Sub-Conductor Keough, retired.

No. 292 *of* 1872.—The under-mentioned Warrant Officers of the Public Works Department will rank from the dates specified:—

Conductor J. E. Grace and Sub-Conductor C. Lyons,—from the 18th June 1869, *vice* Conductor Morron, deceased.

Sub-Conductor G. S. Beckett,—from the 19th July 1869, *vice* Sub-Conductor Foley, retired.

Sub-Conductor D. Keough (deceased),—from the 20th November 1869, *vice* Sub-Conductor Eustace, retired.

Sub-Conductor J. S. Robinson,—from the 21st January 1870, *vice* Sub-Conductor Gair, deceased.

Conductor P. Keay and Sub-Conductor A. Buchanan,—from the 10th June 1870, *vice* Conductor Wilkinson, retired.

No. 293 *of* 1872.—Major H. L. C. Bernard, of the Bengal Staff Corps, Wing Officer, 31st (Punjab) Regiment, Native Infantry, availed himself of the furlough granted him in G. G. O. No. 1102, dated 15th December 1871, in India, on the 6th instant.

No. 294 *of* 1872.—The services of Assistant Surgeon W. G. May, in medical charge of the 16th (The Lucknow) Regiment of Native Infantry, are placed temporarily at the disposal of the Government of Bengal.

No. 295 *of* 1872.—The under-mentioned Officer is promoted to the rank of Colonel by Brevet from the date specified, under the operation of G. G. O. No. 12 of the 6th January 1868, subject to Her Majesty's approval:—

Major and Brevet Lieutenant Colonel Allen Bayard Johnson, Bengal Staff Corps,—11th March 1872.

No. 296 *of* 1872.—Captain Henry Grimes, of the General List, Infantry, having failed to pass in the Native languages by the Higher Standard, is removed from the service under the operation of G. G. O. No. 1056, dated 16th October 1869, subject to the confirmation of the Right Hon'ble the Secretary of State for India.

No. 297 *of* 1872.—The under-mentioned Out-pensioner of the Royal Hospital at Chelsea, having been permitted to reside and draw his stipend in India, payment of pension is to be made and charged accordingly:—

Private William Springet or Springate, late of the 105th Foot,—rate of pension per diem, 1*s.* (one shilling), from the date he ceases to receive Regimental pay or allowance.

The 20th March 1872.

No. 298 *of* 1872.—The under-mentioned Officer is promoted to the rank of Colonel by Brevet from the date specified, under the operation of Clauses 8 and 9 of the Royal Warrant of 31st January 1859, subject to Her Majesty's approval:—

Lieutenant Colonel Robert Patrick Anderson, Bengal Staff Corps,—30th September 1871.

No. 299 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs, under the Regulations of 1868, embarking at Bombay:—

Lieutenant Colonel (Brevet Colonel) George Strangways, of Infantry.

No. 300 *of* 1872.—The under-mentioned Officer is promoted to the rank of Colonel by Brevet from the date specified under the operation of Clauses 13 and 14 of the Royal Warrant of 21st December 1871, subject to Her Majesty's approval:—

Lieutenant Colonel Herbert Taylor Macpherson, C. B., V. C., of the Bengal Staff Corps,—13th March 1872.

No. 301 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.—*No.* 2 *Horse Light Field Battery.*

Lieutenant R. H. W. Plunkett, of the Royal Artillery, to be Subaltern.

No. 302 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Lieutenant William Arthur James Wallace, of the Royal Engineers, (Imperial Establishment), Executive Engineer, Department Public Works, Deputy Consulting Engineer to Government of India for Guaranteed Railways,—for two years, under the Regulations of 1868, embarking at Bombay not before the 12th April next.

The 21st March 1872.

No. 303 *of* 1872.—The Right Hon'ble the Governor General in Council is pleased to notify that the following arrangements for the performance of the work hitherto devolving on the Barrack Department will have effect from the 1st April 1872 :—

(1).—European and Native Regiments will henceforth obtain accommodation or stores, on requisition signed by Officers Commanding, from the Ordnance, Public Works, and Commissariat Departments directly, without the intervention of a distinct Barrack Department, which is abolished ; and Barrack Masters and the Establishment will from the 1st April be under the control of the Executive Engineer, to whom they are to report themselves for orders.

(2).—The duties of the late Barrack Department will be distributed as follows :—

TO THE ORDNANCE DEPARTMENT.

The supply of all Ordnance Stores, as shown in subjoined Table No. 157.

TO THE PUBLIC WORKS DEPARTMENT.

(a).—The custody and repair of all barrack and hospital buildings.

(b).—The allotment of quarters according to regulation.

(c).—The supply and repair of all barrack and hospital furniture and fixtures, as specified in Tables (Nos. 147 and 148, *Public Works*,) subjoined.

TO THE COMMISSARIAT DEPARTMENT.

The supply of all petty and miscellaneous stores, as detailed in Tables (Nos. 147 and 148, *Commissariat*,) subjoined.

TO REGIMENTS.

The supply, management, and payment of all Regimental Establishments, *viz.*, punkah-pullers, bheesties, sweepers, &c., &c. The assistance of the Commissariat Department will be given when necessary.

ISSUE OF SUPPLIES.

(3).—Ordnance Stores will be issued under the regulations now in force in that Department.

(4).—Local Executive Heads of the Public Works and Commissariat Departments are authorised to comply with requisitions signed by Commanding Officers for quarters, accommodation, barrack and hospital furniture, and fixtures and stores within the limits assigned by regulations, *vide* Tables Nos. 147, 148, and 157.

(5).—If a requisition for articles not authorized, or in excess of regulation, be received by a Local Executive Officer, he will inform the Officer demanding that there is no authority for the supply, and state, on the requisition, the approximate cost of compliance. If the articles are still desired, the requisition will be submitted by the Officer Commanding the Station for the sanction of Government through the prescribed channels ; but in cases of great emergency, he will use the discretionary powers vested in him as Commanding Officer, and direct the requisition to be complied with, submitting the Station Order for the confirmation of Government.

CUSTODY OF, AND DAMAGES TO, BARRACKS AND FURNITURE.

(6).—Executive Engineer will nominate in each occupied Station one Subordinate to the charge of the share of barrack duties belonging to the Public Works Department, as defined in Clause 2, either distinctively or in addition to other occupations.

(7).—It will be the duty of the Subordinate so appointed to inspect monthly, as well as on the occasion of a Regiment leaving a Station, all buildings and barrack and hospital furniture in conjunction with the Quarter Master of the Regiment in occupation, or, in hospitals, with the Medical Officer in charge ; and he will then assess all damages done by the troops to buildings or furniture in their charge.

(8).—All damages so assessed will, when signed by the Local Executive Engineer, be forthwith paid, or accepted for payment, by Commanding Officers ; but Officers Commanding may, after paying a damage assessment, appeal, through the Officer Commanding the Station, to the Superintending Engineer of the Circle, who will endeavour to settle the matter ; but should he fail to do so, that Officer will himself lay the case, with a recommendation, before the General Commanding the Division or District, whose decision, if he concurs with the recommendation made, is final.

Should the General not concur with the recommendation, the question will be submitted by him through the Quarter Master General for submission to His Excellency the Commander-in-Chief and for the orders of Government.

(9).—New furniture is to be made in accordance with approved standard patterns. On receipt of each requisition for furniture, the supplying department will note thereon the estimated cost of each article and return it to the indenting Officer, so that he may understand and accept the responsibility for the cost of the requisition, which will then be complied with, if in all respects conformable to the regulations. Executive Engineers are responsible for the quality of all furniture supplied, either new or when repaired, and it will not be necessary to assemble a Committee, except when disputes regarding quality or description arise on the occasion of *an issue to a Regiment.* Should any such dispute occur, a Station Committee will be convened by the Officer Commanding to report on the matter, and their proceedings will be forwarded by the President, through the Officer Commanding, to the Superintending Engineer of the Circle, who will lay the question before the General Commanding for decision, in the same manner and under the same limitations as prescribed for barrack damages.

(10).—A Regiment or Detachment will, before leaving a Station, make over all buildings and barrack and hospital furniture in its charge to the Subordinate of the Public Works Department appointed by the Executive Engineer to the charge of barrack duties, who will give to the Regiment the usual vouchers for the same. The vouchers should specify any loss or damage that may have occurred, in order to recovery under Clause 8 of these Rules.

CARE OF STORES RECEIVED FROM THE ORDNANCE DEPARTMENT.

(11).—Executive Engineers are responsible for seeing that requisitions by Commanding Officers for renewals of furniture are supported by the opinion of a Station Committee condemning the articles required to be replaced.

(12).—All Ordnance Stores enumerated in Table No. 157 will be shown, as at present, in the half-yearly returns transmitted to the Examiner, Ordnance Accounts.

(13).—When a Regiment or Detachment is relieved by another, the relieved Corps will make over all articles belonging to the Ordnance Department to the relieving Corps, taking receipts (which shall show the condition of each kind of article) in duplicate; one of these receipts will be retained by the relieved Corps, and the other sent at once by the Officer Commanding to the Examiner, Ordnance Accounts.

(14).—If any dispute arise between the relieved and relieving Corps regarding the articles so handed over, a Station Committee will be assembled to report; and their proceedings will be forwarded by the President, through the Officer Commanding the Station, to the Inspector General of Ordnance, who will deal with the matter according to the rules of the Ordnance Department in such cases.

(15).—In the event of a Regiment leaving a Station before being relieved, the Ordnance Stores shown in Table No. 157, after survey by a Station Committee, will be collected in convenient stores or rooms which can be properly secured. The proceedings of the Committee, together with the keys of the store-rooms, will be made over to the Subordinate of the Public Works Department named by the Executive Engineer, with an inventory of the articles left, which will be verified by an Officer of the out-going Regiment in the presence of the representative of the Public Works Department. The proceedings of the Committee and the articles will be handed over to the in-coming Regiment on arrival, and should any dispute arise, the course laid down in Clause 14 will be followed.

CARE OF SUPPLIES RECEIVED BY REGIMENTS FROM THE COMMISSARIAT DEPARTMENT.

(16).—All articles received from the Commissariat Department by Batteries, Corps, and Detachments will be shown in half-yearly returns by Officers Commanding, the date of receipt and present condition of each description of article being given. These returns will be forwarded on 1st January and 1st July in each year to the Local Executive Head of the Commissariat Department for examination and for transmission to the Examiner of Commissariat Accounts.

(17).—If a Battery, Regiment, or Detachment be replaced by another, the relieved Corps will make over all articles belonging to the Commissariat Department, not required by regulation to accompany it, to the relieving Regiment, taking receipts (which shall show the condition of each kind of article) in duplicate. One of these receipts will be retained by the relieved Corps, and the other sent at once by the Officer Commanding to the Local Executive Head of the Commissariat Department.

(18).—If any dispute arise between the relieved and relieving Corps regarding the quality or condition of articles so handed over, a Station Committee will be assembled to report, and

their proceedings will be forwarded by the President through the Officer Commanding the Station to the Deputy Commissary General of the Circle, who will act as prescribed for a Superintending Engineer in like cases, *vide* Clause 8 of this order.

(19).—If a Regiment leave a Station without being relieved, all Commissariat Stores, after survey by a Station Committee, will be made over by the Regiment to the representative of the Commissariat Department at the Station, receipts in duplicate being obtained and transmitted as ordered above.

RESPONSIBILITY OF REGIMENTS.

(20).—Regiments are responsible for all buildings, hospital and barrack furniture and stores in their charge until relieved by the receipt of the Local Officers of the Departments concerned.

MANAGEMENT AND CARE OF REGIMENTAL GARDENS AND AMUSEMENTS.

(21).—All questions regarding Canteens, Theatres, Gardens, Amusements, will be controlled regimentally under existing regulations, references on the subject being made to Army Head Quarters in the Department to which they appertain.

(22).—All stores, implements, and furniture received from either the Ordnance, Public Works, or Commissariat Department for such purposes, will, on the occasion of a Regiment leaving a Station, be dealt with according to the rules respectively laid down for their management in this order.

(23).—In the case of a Regiment leaving a Station before being relieved, all Regimental property requiring to be transferred to a relieving Corps will be collected by the Regimental authorities in convenient rooms or buildings which can be properly secured. The keys will then be made over to the appointed Subordinate of the Public Works Department, with an inventory which will be verified by an Officer of the out-going Regiment in the presence of the representative of the Public Works Department, who will, on the arrival of the in-coming Regiment, hand over in like manner the property to it.

ARTICLES FOR GENERAL STATION PURPOSES.

(24).—Articles for general Station purposes are to be obtained and taken care of by the Public Works Department.

INSPECTIONS BY OFFICERS OF THE QUARTER MASTER GENERAL'S DEPARTMENT.

(25).—Officers of the Quarter Master General's Department will make their inspections as at present, or under such further regulations as His Excellency the Commander-in-Chief may establish.

(26).—The provisions of this General Order apply, for the present, to the Bengal Presidency only.

FORM No. 147.—(Public Works).

Chap. XXI of Code, P. W. D.

LIST OF BARRACK FURNITURE AUTHORIZED TO BE ISSUED BY THE PUBLIC WORKS DEPARTMENT.

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.		REMARKS.
A	Arm-rack ..	Guard-rooms ...	1	Per Guard-room of British and Native Troops	The size of the rack to be regulated by the number of men for whom the Guard-room is constructed.
B	Black-board and Easel.	Schools ..	4	Per Regiment and Division of Artillery consisting of 3 or more Batteries.	
			3	Per Wing of Regiment, also Division of Artillery consisting of 2 Batteries.	
			2	Per single detached Battery, Royal Artillery, or Battery with its own school, also for every Convalescent and Family Depôt.	
			2	Extra per Regiment or Division of Artillery when the number of adults attending school at one time exceeds 250.	
	Book-case ..	Library	2	Per Library of an entire Regiment.	
			1	Per Library of Wing of Regiment and Battery of Royal Artillery.	
			1	Extra under special sanction of Commander-in-Chief.	
	Boxes, Kit ...	Barracks and Quarters.	1	Per unmarried Non-Commissioned Officer and Private	Padlock and keys for kit-boxes are supplied by the Ordnance Department as "Soldiers' necessaries."
			2	Per married Non-Commissioned Officer and Private.	
	Ditto	For Sea service (Board-ship).	1	Per woman embarking	The dimensions of boxes for both Barracks and Board-ships being exactly the same, the boxes in use are to be retained if serviceable, the rollers and battens being removed, if not, others should be issued to the Soldiers' wives, &c., proceeding to England.
			1	Per widower with children embarking.	
	Brands	For marking Barrack and Hospital furniture.	1	Set per station.	
C	Carts, Filth ...	For carting away filth in iron receptacles, also sweepings and litter.	3	Per Regiment, British	Neither filth nor rubbish cart is allowed per Heavy Field or Garrison Battery or Detachment of less than 2 Troops or Companies.
			1	Per Battery of Horse or Light Field Artillery at single Battery stations.	
			2	Per Division of Artillery, consisting of 2 or more Batteries.	
			2	Per detached Wing of a Regiment ...	Two additional sweepers are however allowed in lieu of a cart.
			1	Per Detachment of Cavalry or Infantry less than a Wing.	
			1	Per Wing of Native Infantry Regiment ...	Only allowed when the Wing is detached from Head Quarters to a station where no station conservancy establishment exists.
	Chairs, cane-bottomed.	Officers and Officers' Guard-room.	3	Per Orderly-room.	
			6	Per Officers' Guard-room.	
			2	Per Musketry Lecture-room.	
			2	Per Experimental Gymnasia for Office.	
	Chairs, Dais ..	School-room, for Master or Mistress.	1	Per School Master or Mistress.	
	Chairs, Barrack...	Barracks, for married men.	2	Per Sergeant, School Master, School Mistress, and married Soldier.	
	Chopping Blocks, large.	Ration Stand ...	1	Per Wing of Regiment and Division of Artillery.	

FORM No. 147—(Public Works)—*continued.*

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.		REMARKS.
C	Chopping Blocks, small.	Cook-houses ...	1	Per Cook-house.	
	Clubs (sets) ...	Drill ...	1 2	Per Company of Infantry or Troop of Cavalry Per Battery of Artillery.	The number of clubs constituting each set is as follows:— 1 pair of 4 lbs. clubs. 2 pairs of 6 lbs. clubs. 1 pair of 8 lbs. clubs. 1 pair of 10 lbs. clubs. 1 pair of 12 lbs. clubs.
	Cots ...	Barracks ...	2 1	Per married Non-Commissioned Officer, Private and School Master or Mistress. Per single Non-Commissioned Officer, Private, School Master or Mistress.	
	Cots ...	Guard-rooms ...	1	Per man on guard, according to actual requirements and size of Guard-room.	
	Cots ...	Officers' Guard-rooms, Main.	1	Per Officer on guard.	
	Cupboards ...	Mess Utensils ...	1 1	Per Mess ... ... Per Cook-house.	If there are no fixed cupboards in the walls.
D	Desk, long ...	School-rooms ...	1	Per every 4 pupils attending at one time.	
	Desk, with Dais ...	School-rooms ...	1	Per School Master or Mistress.	
F	Filter Stand ...	Barracks, for holding filtering gurrahs.	4	Per Barrack	One earthen-ware pan per filter stand allowed per filter in use. Renewals 2 per cent. per mensem on number in use.
	Filters, Dr. Macnamara's.	...	1 1 1	Per Company ... ... Per Canteen ... ... Per married Barrack	Allowed experimentally. Scale under consideration.
	Forms with backs, 5 feet.	Reading-rooms ...	...	2 Superficial feet of form allowed per man. The number of men to be calculated at the rate of 15 superficial feet of space per man.	
	Forms with backs, 5 feet.	Libraries ...	...	2 Superficial feet of form allowed per man. The number of men to be calculated at the rate of 15 superficial feet of space per man.	
	Forms with backs, 5 feet.	Orderly-room ...	8 4 2 2	Per Regiment and Division of 3 or more Batteries, Royal Artillery. Per Wing of a Regiment and Detachment of less than 3 Batteries, Royal Artillery. Per Detachment less than a Wing. Per Battery of Royal Artillery in addition to those for Divisional Orderly-rooms.	
	Forms without backs, 5 feet.	Mess ...	2	Per 5 men or 2 running feet per man.	
		Guard-rooms ...	2	Per 5 men or 2 running feet per man on guard.	
		Lecture-rooms ...	2	Per 5 men or 2 running feet per man attending lectures at one time.	
	Forms without backs, 9 feet.	School ...	1	For every 4 pupils attending at one time.	
	Forms, 10 feet ...	Plunge-baths ...	2	Per Plunge-bath.	
G	Gratings ...	Lavatories ...	2	Per Lavatory	In 5' lengths to extend the whole length of the basin stand.
	Gratings, 5 feet ...	Plunge-baths ...	4	Per Plunge-bath.	
H	Harness Racks ...	Artillery Harness	...	According to requirements on special indent ...	Only allowed for temporary Harness-rooms not on the standard plan.

FORM No. 147—(Public Works)—*continued.*

LETTER	ARTICLES	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION		REMARKS.
I	Inventory and Notice Boards.	Barracks, out-buildings, and Govt. buildings, in Native Lines.	1	Per Building or notice.	
		Cooking Receipt Boards.	1	Per Building.	
J	Jhamps, with 2 poles each.	Temporary Barrack Buildings.		To be determined by local circumstances, and provided on special indent under sanction by Officer Commanding the Division or District.	
L	Lamp-ladders ...	For lighting lamps	1	Per Barrack, common to all Lighters in each Barrack.	
	Lamp-rods, Iron	Suspending lamps	1	Per suspended lamp.	
	Lamp-stools ..	...	1	Per Lighter.	
M	Map-stand .	Schools ...	2	Per Regiment and Division of Artillery of 3 or more Batteries.	
			1	Per Wing of Regiment and Division of Artillery of 2 Batteries.	
			1	Per separate Battery, Royal Artillery, not attending Divisional Schools, and every Convalescent and Family Depôt.	
P	Padlocks and Keys, Iron.	Fortresses—Barrack furniture, Store-rooms, Cook-houses, &c., British and Native Troops.		According to requirements.	
	Padlocks and Keys, Brass or Copper.	Magazines, British and Native Troops.			
	Pointers, long ..	School ..	1	Per Black Board and Easel allowed.	
	Pointers, short ..	School ...	1	Per Black Board and Easel allowed.	
	Privy Pans, Iron	Privies ...	1	Per opening in privy seat.	
	Punkah Fringes, 12″ deep.	Barracks ...	1	Per Punkah.	
	Punkah Ropes or Canes.	Pulling Punkahs	...	According to requirements.	
R	Racks with Drawers.	Quarter Masters' Store-rooms.	7 3 1	Per Regiment of Cavalry or Infantry. Per detached Wing of Infantry. Per Battery of Artillery.	
	Racks without Drawers.	Quarter Masters' Store-rooms.	7 3 1	Per Regiment of Cavalry or Infantry. Per detached Wing of Infantry. Per Battery of Artillery.	
	Receptacles ...	Cook-house ...	2	Per Cook-house	Painted white.
	Receptacles, small	Holding Quick-lime.	1	Per Filth Cart.	
	Receptacles, Filth	Privies ...	2	Per Barrack Privy.	
		Urinaries ...	1	Per Barrack Urinary.	

FORM No. 147—(Public Works)—*continued.*

Letter.	Articles	Where required and for what purpose	Authorized Proportion		Remarks.
R	Receptacles, Filth, small.	Privies	4	Per Barrack Privy at Hill Stations.	
	Receptacles, small	Urinaries ..	2	Per Barrack Urinary at Hill Stations.	
S	Stools, 2 feet high	Cook-houses ...	1	Per Cook-house.	
T	Tables, 10′ × 3′ ..	Messes ...	1	Per 10 men or one running foot per man.	
	Tables, 10′ × 3′. .	Sergeants' Mess...	1	Per 10 men or one running foot per Sergeant.	
	Tables, 10′ × 3′ .	Orderly-room ...	2	Per Regiment and Division of 3 or more Batteries, Royal Artillery.	
			1	Per detached Wing of Regiment and Detachment and Division of less than 3 Batteries, Royal Artillery.	
			1	Per Battery, Royal Artillery, in addition to those for Divisional Orderly-room.	
			1	Per Office Experimental Gymnasia.	
	Tables, 10′ × 3′...	Guard-rooms ...	1	Per 10 men or one running foot per man on guard.	
	Tables, 10′ × 3′ ..	Libraries and Reading-rooms.	..	3 Superficial feet of table allowed per man for whom there is space calculated at 15 superficial feet of space per man.	
	Tables, 10′ × 3′ .	Schools ...	...	According to requirements.	
	Tables ...	Officers' Guard-rooms.	1	Per Officers' Guard-room.	
	Tables, small, 5′×2′ 10″.	Non-Commissioned Officers and married men.	1	Per Sergeant, School Master, Mistress, and married men.	
	Tables, 3′ × 2′ ..	Cook-houses ...	3	Per Cook-house.	
	Trays for kerosine lamps.	For holding lamps	1	Per 6 kerosine lamps in use.	
	Trestles ...	Store-rooms, British and Native Troops ...	...	According to actual requirements.	
W	Wash-hand-stand, complete.	Officers' Guard-room.	1	Per Officers' Guard-room.	
	Furniture for Cells.				
	Cot, planked, fixed	...	1	Per separate Regimental cell or prison where cells are for 2 or more men.	For the supply of almirahs, see para. 45 F, Sec V, Chap. XXI, P. W. D. Code.
		NOTE.—Each set of cells or prisons is to be provided with lamps, urinals, privy pans, filth receptacles, an almirah for clothing and cooking utensils, fixed metal washing basins, and tubs as required, also forms and tables, where necessary, for school purposes			
	Riding House Furniture.				
	Practice posts complete, sets of 8 pieces each, *viz.*, 2 posts with heads for Cavalry cuts. 2 posts with rings for Cavalry points. 2 posts with heads for Infantry cuts. 2 leather balls for Infantry cuts.	Riding Schools...	1 1	Set per Cavalry Regiment. Set per Brigade of Royal Artillery.	

FORM No. 147—(Public Works)—*continued.*

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.		REMARKS.
		Riding House Furniture—contd.			
	Necks for practice posts.	Riding Schools ..	...	.....	The number actually required to be procured by direct Regimental Agency.
	Leaping Bars, 15′	Riding Schools...	2	Per Brigade of Royal Artillery.	
	Leaping Bars, 21′	Riding Schools...	1	Per Cavalry Regiment.	
	Posts for Leaping Bars.	Riding Schools...	2 2	Per Brigade of Royal Artillery. Per Cavalry Regiment.	
	Clubs ...	Riding Schools...	24	Per Cavalry Regiment.	
		Furniture for Signallers in Telegraph Department.			
	Kit Boxes with Padlock and Key.	...	1 2	Per unmarried Signaller. Per married Signaller.	
	Cots ...	...	1 2	Per unmarried Signaller. Per married Signaller.	
	Chairs ...	...	2	Per married Signaller.	
	Cupboards ...	...	1	Per 16 men or less.	
	Forms ...	...	...	2 Running feet of form per unmarried Signaller.	
	Tables, small ...	...	1	Per married Signaller. One running foot of mess-table per unmarried Signaller.	
		Furniture for Prayer-rooms.			
	A mat or other covering for the floor.	..	...	One for each Prayer-room.	
	Tables, 6′ × 3½′	...	4 5 8 1	Per Regiment of Cavalry or Wing of Infantry. Per Regiment of Infantry. Per 2 Regiments of Infantry. Additional per each Battery of Royal Artillery.	
	Forms with back, 6′	...	8 12 18 2	Per Regiment of Cavalry or Wing of Infantry. Per Regiment of Infantry. Per 2 Regiments of Infantry. Additional per each Battery of Royal Artillery.	
	Chairs, cane-bottomed.	...	4 6 9 1	Per Regiment of Cavalry or Wing of Infantry. Per Regiment of Infantry. Per 2 Regiments of Infantry. Additional per each Battery of Royal Artillery.	
	Book Cases ...	...	2 2 3 1	Per Regiment of Cavalry or Wing of Infantry Per Regiment of Infantry ... Per 2 Regiments of Infantry ... Additional per every 2 Batteries of Royal Artillery.	Hospital Book Shelf, Pattern No. $\frac{B}{5}$.
		NOTE.—No furniture has to be issued until the building for this special purpose has been made over for the use of the Troops. Size of main room for a Regiment of Cavalry or Wing of Infantry is 24′ × 18′ Size of main room for Regiment of Infantry is 40′ × 18′ Size of main room for 2 Regiments of Infantry is 60′ × 24′ 5′ additional in length for every additional Battery.			
		Furniture for Offices of Deputy Assistant Quarter Masters General.			
	Almirah, Library Book Case pattern.	Stationery, Instrument and Records.	1		

FORM No. 147—(Public Works)—*continued.*

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.	REMARKS.
	Furniture for Offices of Deputy Assistant Quarter Masters General—contd.			
	Book Case (Hospital pattern).	General Orders, Files and Books.	1	
	Box (Barrack pattern).	For Forms, &c....	1	
	Chairs (Barrack pattern).	...	3	For Writers.
	Chairs, cane-bottomed.	...	2	For each Officer.
	Forms, 5 feet ...	...	1	For Orderlies, Peons, &c.
	Pigeon-holes ...	...	1	Set per Officer.
	Table with Drawers.	...	1	Per Officer.
	Table ...	For plan drawing	1	
	Table, 10′ × 3′ (Barrack pattern).	...	1	For Writers.
	Furniture for Offices of Subordinates in charge of Barrack duties, at Stations where there is an Executive Engineer.			
	Almirah (Book Case pattern).	Stationery, &c. ...	1	
	Boxes (Barrack pattern).	...	2	
	Chairs ...	...	2 1	For the Barrack Master. For each Barrack Sergeant.
	Forms, 5 feet ...	...	1	For Orderlies, Peons, &c.
	Notice Boards ...	...	...	3 or 4.
	Pigeon-holes ...	...	1	Set for the Barrack Master.
	Office Table ...	...	1	For the Barrack Master.
	Office Table for Sergeants.	...	...	If one Sergeant, 1 table, 5′ × 2′ 10″, Barrack pattern. If two Sergeants, 1 table, 10′ × 3′, Barrack pattern. If three Sergeants, 1 table, 5′ × 2′ 10″, and 1 table, 10′ × 3′, Barrack pattern. If four or more Sergeants, 2 Tables, 10′ × 3′, Barrack pattern.
	Furniture for Offices of Subordinates at Out-stations in charge of Barrack duties.			
	Boxes (Barrack pattern).	...	2	
	Chairs ...	...	2	
	Notice Boards ...	...	2	or 3
	Pigeon-holes ...	...	1	Set.
	Tables, Office ...	...	1	
	Furniture for Horses' Infirmaries.			
	Chairs ...	...	2	

FORM No. 147—(Public Works)—*continued.*

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.		REMARKS.
	Furniture for Horses' Infirmaries—contd.				
	Table, Office ...	...	1		
	Forms, 5 feet ...	...	2	For the Surgery.	
	Table, 10 feet ...	...	1	For the Surgery.	
	Jhamps ...	...	...	According to requirements when considered absolutely necessary by Veterinary Surgeons.	
	Furniture for Medical Subordinates.				
	Boxes, Kit, with padlock and key.	...	2	Per married Medical Subordinate.	Furniture is only to be issued to Medical Subordinates when they occupy rooms in Barracks or Government quarters.
			1	Per unmarried Medical Subordinate.	
	Chairs, Barrack	...	2	Per Medical Subordinate.	
	Cots ...	...	2	Per married Medical Subordinate.	
			1	Per unmarried Medical Subordinate.	
	Tables, small, 5′ × 2′ 10″.	...	1	Per Medical Subordinate.	
	Furniture for Workshops.				
	Blacksmith's Bench.				According to actual requirements
	Blacksmith's Table.				
	Tinsmith's Bench				
	Carpenter's Bench				
	Turner's Bench...				
	Collar-maker's Table.				
	Painter's Table...				
	Shoe-maker's Bench.				
	Printer's Table ...				
	Printer's Composing Frame.				
	Printer's Imposing Table.				
	Tailor's Bench ..				
	Tailor's Table ...				
	Brush-maker's Table.				
	Watch-maker's Bench.				
	Book-binder's Bench.				
	Bench with vices affixed.	For Wheelers' Workshops.	1	Per Battery	Bench to be of the pattern shown in standard plans for Carpenter's Bench with vice attached

FORM No. 147—(Public Works)—*concluded.*

LIST OF FIXED APPARATUS FOR GYMNASIA TO BE SUPPLIED BY THE PUBLIC WORKS DEPARTMENT.

FIXED APPARATUS.	1ST CLASS EXPERIMENTAL GYMNASIUM.	2ND CLASS EXPERIMENTAL GYMNASIUM.	REGIMENTAL GYMNASIUM.	REMARKS.
Bridge Ladder	1	1	1	
Prepared Wall	1	1	...	
Great Cross Beam	1	1	1	
Shelf	1	1	1	
Octagon	1	1	...	
Iron Horizontal Bar ..	1	1	...*	
Horizontal Beam	1	1	...	
Elastic Ladder	1	1	...	

* Should be used more as a support to the building and apparatus than as a Horizontal Bar.

LIST OF MOVEABLE APPARATUS AND STORES FOR GYMNASIA TO BE SUPPLIED BY THE PUBLIC WORKS DEPARTMENT.

MOVEABLE APPARATUS AND STORES.	1ST CLASS EXPERIMENTAL GYMNASIA.		2ND CLASS EXPERIMENTAL GYMNASIA.		REGIMENTAL GYMNASIA.		REMARKS.
	1st Issue.	Annual Supply.	1st Issue.	Annual Supply.	1st Issue.	Annual Supply.	
Horizontal Bars... ...	2	...	2	...	1	...	
Parallel Bars	2	...	2	...	1	..	
Vaulting Horse	2	..	2	...	1	..	
Rows of Rings, 8 ..	1	...	1	...	...	...	
Pairs of Rings	2	.	1	...	1	...	
Ladder Plank	2	...	2	...	1	...	
Vertical Ropes	6	...	4	...	2	..	
Fittings for Fort	..	...	...	...	...	...	
Inclined Bank	1	..	1	...	...	...	
Inclined Ladder ..	1	...	1	...	...	...	
Slanting Poles, Pair ...	2	...	2	...	...	...	
Rope Ladder	1	...	1	...	...	...	
Vertical Ropes ...	2	...	1	...	...	...	
Fittings for Great Cross Beam ...	...	...	...	...	...	...	
Trapeze	1	...	1	...	1	...	
Pair of Rings	1	...	1	...	1	...	
Rope Ladder	1	...	1	...	1	..	
Poles	4	...	4	...	2	...	
Step Platform for Trapeze ...	1	..	...	...	...	...	
Flying Trapeze	3		...	...	...	...	

NOTES.—I. Furniture is not sanctioned for canteens at the expense of the State.

II. Furniture is supplied to churches or chapels through the Public Works Department.

III. Furniture is not to be painted oftener than once in four years at the expense of the State.

IV. Staff Sergeants with Native Corps or in Departmental employ, who are furnished with Government quarters, are allowed furniture to the same extent as is sanctioned for Staff Sergeants attached to British Regiments.

V. Provost Sergeants and their Assistants will be furnished with cots, boxes, chairs and tables according to regulation.

VI. The surplus stock to be maintained is on no account to exceed ten per cent. on the number in use.

VII. Tool chests with Batteries of Horse and Field Artillery are to be considered as furniture, and are to be left at stations when Batteries vacate their lines.

FORM No. 148—(Public Works).

Chap. XXI. of Code, P. W. D.

LIST OF HOSPITAL FURNITURE AUTHORIZED TO BE ISSUED BY THE PUBLIC WORKS DEPARTMENT.

Description of Articles.	European Troops.										Remarks.	Native Troops.	
	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.				
			Number of Sick.										
	Proportion.	Sick	Male 18.	Female 2.	Male 10.	Female 1.	Male 55	Female 6.	Male 100.	Female 12.		Cavalry.	Infantry.
HOSPITAL FURNITURE.													
Almirah ..	...	...	1	1	1	1	3	1	4	1	..	1	1
Bath, shower ...	...	...	...	...	...	...		...	..	...	One for each Regimental Hospital	...	...
„ portable ...	1	50	1	...	1	...	1	...	2	...	...	...	...
„ slipper ...	1	25	1	...	1	...	2	...	4	1	...	..	...
„ foot ...	1	12	1	1	1	...	4	1	8	1	...	...	...
Bedsteads, iron ...	1	1	18	2	10	1	55	6	100	12	...	...	...
„ fracture ...	..	...	1	...	1	...	3	...	2	...	...	4	2
Bier ...	...	...	...	...	...	...	..	...	...	...	One for each Regimental Hospital.	...	...
Bin for foul linen ...	...	...	...	...	...	...	...	...	...	...	Ditto ditto .	...	...
Book-case ...	...	...	...	...	...	...	...	...	...	...	Ditto ditto ...	...	...
Board, inventory ...	..	...	...	...	...	..	...	...	...	...	One for each building, ward or room.	Same number as for European Hospitals.	
Bracket and roller for round towels.	...	...	...	...	...	...	...	...	..	...	As required ...		...
Box, ice ...	...	...	...	..	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
„ salt ...	...	...	...	...	...	...	...	...	...	...	Ditto ditto ...	...	...
Cart, filth ...	1	50	1	...	1	...	2	...	2	...	...	1	1
Chair, padded, arm ...	1	12	1	1	1	...	4	1	8	1	...	...	
„ folding ...	...	...	2	...	...	...	2	..	2	...	...	1	1
„ office ...	1	4	4	1	2	1	13	2	25	3	...	1	1
„ easy ...	...	..	3	1	...	...	9	4	15	6	...	...	...
„ close stool ...	...	...	...	...	...	...	...	...	...	...	One to each ward ...	...	..
„ „ patent ...	...	...	...	...	...	...	...	...	...	...	Two to each ward ...	...	...
„ „ small ...	...	...	...	1	...	...	...	1	...	1	For children ...	...	...

FORM No. 148—(Public Works)—*continued.*

Description of Articles.	European Troops. Scale. Proportion.	Scale. Sick.	Royal Horse Artillery, Battery, Field Battery, or Mountain Battery. Number of Sick. Male 18.	Female 2.	Garrison or Heavy Battery. Male 10.	Female 1.	Regiment of Cavalry. Male 55.	Female 6.	Regiment of Infantry. Male 100.	Female 12.	Remarks.	Native Troops. Cavalry.	Infantry.
HOSPITAL FURNITURE—*continued.*													
Chopping block ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Cots for children ...	...	...	...	...	...	...	...	...	...	...	Twenty-four per Hospital for a Regiment of Infantry, twelve for Cavalry, four for Royal Horse Artillery, Field Battery or Mountain Battery, and two for Garrison or Heavy Battery.	...	...
Charpoys ...	...	...	15	...	...	...	30	...	15	...	For the use of Native Camp-followers.	25	57
Cupboard, kitchen ...	1	50	1	...	1	...	1	...	2	...	...	...	...
Dresser, with shelves, drawers, locks and keys, for kitchen.	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	
Filter, water ...	1	50	1	...	1	...	2	...	2	...	...	...	
Form with back, soldier's ...	1	7	2	1	2	...	8	1	14	2	...	...	
Frame for diet scale ...	...	...	...	...	...	...	...	...	...	...	One to each ward ...	...	...
Gratings for wash-house ...	...	...	...	...	...	...	...	...	...	...	Two per wash-house; depends on length of basin stands in wash-house. Also a small one in each compartment, 2 feet square, for private washing.	...	...
Head-rests ...	...	...	1	...	...	...	1	...	1	...	...	...	...
Jhamp ...	...	...	...	...	...	...	...	...	...	...	One for outer opening in verandah, if required.	Same as for European Hospitals.	
Kitchen range with boiler for water, Sylvester or some similar oven on extended scale to do fish puddings, mutton chops, and roast meat.	...	...	...	...	...	...	...	...	...	...	To special order.	...	...
Lamp rod ...	...	...	...	...	...	...	...	...	...	...	One per hanging lamp ...	One per hanging lamp.	
„ ladder ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Meat-safe ...	1	50	1	...	1	...	2	...	2	...	...	...	...
Padlock and key ...	...	...	...	...	...	...	...	...	...	...	One per hasp if required ...	Same as for European Hospitals.	
Punkah fringe and cane ...	...	...	...	...	...	...	...	...	...	...	Fringe, one to each punkah, and cane according to requirements.	...	...

FORM No. 148—(Public Works) —*continued.*

Description of Articles.	European Troops. Scale. Proportion.	Scale. Sick.	Royal Horse Artillery, Battery, Field Battery, or Mountain Battery. Number of Sick. Male 18.	Female 2.	Garrison or Heavy Battery. Male 10.	Female 1.	Regiment of Cavalry. Male 55.	Female 6.	Regiment of Infantry. Male 100.	Female 12.	Remarks.	Native Troops. Cavalry.	Infantry.
HOSPITAL FURNITURE—*continued.*													
Receptacles for privy ..	...	...	Two per Hospital privy.										
„ urinary ...	...	...	One ditto.										
„ cook-house ...	.	...	Two per Hospital cook-house.										
Rack, towel ...	1	8	2	1	1	1	7	1	12	2	...	...	...
„ plate ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Screen, moveable, to put round the bed of a dying man.	1	50	1	...	1	...	2	...	2	...	...	...	...
Screen for archways, between wards.	1	50	1	...	1	...	2	...	2	...	...	...	...
Stand, wash-hand, and towel rack, surgery.	...	...	...	..	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Stool, kitchen ...	...	...	...	.	...	...	.	...	...	...	Ditto ...	...	..
Stoves or braziers ..		...	...	...	...	...	..	...	...	...	Two for each large and one for each small ward where there are no fire-places.	...	...
Table with drawer and cupboard.	1	20	1	...	1	...	2	1	5	1	...	...	...
Table, camp, small ...	...	...	1	..	..	...	1	...	1	...	...	1	1
„ for convalescents' dinner.	...	...	...	...	...	...	...	...	...	...	One for each ward ...	...	...
Table, dispensary, or compounding.		...	2	...	...	...	2	...	2	...	...	1	1
Table, bed-side, with 2 shelves, open.	1	each	18	2	10	1	55	6	100	12	...	...	...
Table, bed, for the use of such as are unable to sit up.	1	10	2	...	1	...	5	1	10	1	...	...	.
Table, prescribing, small ...	...	...	.	...	...	..	...	...	...	..	One to each ward ...	...	...
„ small, for writing ...	...	...	1	...	...	.	1	..	1	...	For Dead-house ...	...	.
„ dissecting ...	..	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
„ common ..	One per Dead-house if required.												
„ and chair for surgery use	...	...	...	...	...	...	...	...	...	..	One table and three chairs for each Regimental Hospital.	1	1
„ and chair for attendants' rooms.	...	...	...	...	...	...	...	...	...	...	As required ...	...	...

FORM No. 148.—(Public Works)—*concluded.*

Description of Articles.	EUROPEAN TROOPS.											NATIVE TROOPS.	
	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.		Remarks.	Cavalry.	Infantry.
			Number of Sick.										
	Proportion.	Sick.	Male 18.	Female 2	Male 10.	Female 1.	Male 55.	Female 6.	Male 100.	Female 12			
	HOSPITAL FURNITURE—*concluded.*												
Tables for kitchen, 3′ × 2′ ...	...	...	...	...	...	...	...	...	...	...	Three per cook-house ...	...	...
Ticket-frame, bed ...	1	each	18	2	10	1	55	6	100	12	...	25	57
Tray, dressing ...	1	33	1	...	1	...	2	...	3	...	One per 6 lamps in use ...	1	1
„ for kerosine lamps ...	...	...	...	...	...	...	...	...	...	...		...	...
„ wooden ...	1	12	1	1	1	...	4	1	8	1		...	...
Trestle ...	...	...	...	...	...	...	...	...	...	...	According to requirements	Same as for European Hospitals.	
„ for supporting coffin ...	...	...	4	...	...	...	6	...	6	...	...	...	...

FORM No. 147—(Commissariat.)

Chap. XXI. of Code, P. W. D.

LIST OF MISCELLANEOUS ARTICLES AUTHORIZED TO BE ISSUED BY THE COMMISSARIAT DEPARTMENT FOR USE IN BARRACKS.

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.		REMARKS.
B	Basin, metal ...	Lavatories ...	20 4	Per Battery, Troop or Company ... For married men of each Battery, Troop or Company.	Metal basins are only to be issued when earthen-ware ones are not procurable.
	Basins, earthen...	...	...	Limit 25 per cent. of strength of Corps or Detachment.	Authorized number one per man.
	Ditto ditto, glazed*	...	...	Limit 15 per cent. of strength of Corps or Detachment.	Ditto ditto.
	Blankets ...	Trestle cots ...	1 or 2	Per soldier *in winter*	Only allowed for exceptionally cold Stations on the Frontier or in the Hills.
	Brooms ...	Barracks with boarded floors.	21 10 6 4	Per Regiment and Depôt above the strength of a Wing, undertaking to clean their own Barrack-rooms. Per Wing and Depôt below strength of Wing, undertaking to clean their own Barrack-rooms. Per Light Field Battery, undertaking to clean their own Barrack-rooms. Per Garrison Battery, undertaking to clean their own Barrack-rooms.	
	Brooms, with long bamboo handles.	Cleaning roofs and walls of Barracks	2 1 1	Per Barrack for a Troop or Company or more. Per Barrack for less than a Troop or Company. Per Barrack for married men.	Where men undertake to clean their own Barrack-rooms.
	Brushes, with long handles.	Barracks ...	21 10 6 4	Per Regiment, Depôt and Division of Artillery above strength of Wing. Per Wing and Depôt equal to strength of Wing. Per Light Field Battery. Per Garrison Battery.	Undertaking to clean their own Barrack-rooms.
	Brushes washing	For Mattrasses, Pillows.	20	Per cent of the number of Mattrasses and Pillows in use.	
	Brushes, scrubbing, Coir.	Barracks, scrubbing furniture.	21 10 6 4	Per Regiment, Depôt and Division of Artillery. Per Wing, Depôt and Division of Artillery under strength of Wing. Per Light Field Battery. Per Garrison Battery.	Undertaking to clean their own furniture.
	Burners, glass, oil, common.	Barracks and accessories for lanterns.	1	Per Lantern in use	Renewals 5 per cent. per mensem on the number in use.
	Burners, metal, kerosine lamps.	Barracks and accessories for lanterns.	1	Per lantern in use	Renewals 2 per cent. per mensem if required.
C	Cover, perforated, for Filter Stands.	...	...	1 per Filter Stand to be placed on the lowest ghurrah.	20 per cent. per mensem for renewals on the number in use.
	Candlestick and shade.	Officer's Guard-room.	2	Per Officer on Guard.	
	Casks, half, or reservoirs with lid.	Lavatories, to hold water for basins.	2	Per Lavatory not provided with pucka reservoirs or tanks for the purpose.	
	Chimnies, common	Lamps, Night-Schools.	1	Per solar Lamp	Renewals at the rate of 5 per cent. per mensem on the number in use.
	Chimnies ...	Kerosine Lamp...	1	Per Lamp	Renewals at 15 per cent. per mensem on the number in use.
J	Jars, water ...	...	...	Sufficient to contain 2 gallons per man; renewable three times a year.	

* To be issued when procurable in preference to unglazed ones, *vide* Circular No. 82 B of 1865.

FORM No. 147—(Commissariat)—*continued.*

LETTER.	ARTICLES.	WHERE REQUIRED AND FOR WHAT PURPOSE.	AUTHORIZED PROPORTION.		REMARKS.
L	Lamps, solar ...	Night-School ...	1	Per 4 pupils attending at one time.	
	Lamps, Kerosine	For Barracks where authorized	6	Per every 100 Soldiers in Barracks, whether the Barrack be a Company or Half-company one.	Two of these lamps to burn all night, the remainder till Tattoo. Lights for staircases are allowed according to actual requirements.
	Lamps, common	Barracks and accessories.	6	Per every 100 Soldiers in Barrack, whether the Barrack be a Company or Half-company one.	
			1	Per privy and urinal in use	Not for those attached to Staff Sergeants' quarters.
	Lamps, common	Main Guards ...	2	Per Guard.	
	Lanterns ...	Guards, Native...	1	Per Native Regimental Guard occupying Public Buildings.	
	Lanterns, Bull's Eyes.	Guards, British...	1	Per Guard.	
M	Mattrass and Pillow, with buckle and strap.	...	1	Per iron trestle cot.	
	Musquito Curtains, Mattrass, Pillows, &c.	Officers' Guard-rooms, Main.	1	Per Officer on Guard.	
T	Trunks, Camel ...	Schools ...	...	To be used on the march.	
	Trunks, Camel ...	Veterinary Department.	2	Pairs per Cavalry Regiment.	
			1	Pair per Battery of Horse or Field Artillery.	
	Tubs, ½ Casks ...	Lavatories for bathing.	4	Per Lavatory	For wash-houses not on the standard plan.
U	Urinals, Glazed Earthen-ware.	Urinaries ...	5	Per Garrison Battery Troop of Cavalry and Company of Infantry.	20 per cent. per mensem.
			10	Per Field and Horse Battery of Royal Artillery.	Spare earthen-ware tops 8 per cent. allowed monthly where iron urinals are in use. Iron vessels to be used only when earthen ones are not procurable.
W	Wick holders ...	For oil burners, common.	1	Per Burner.	
	Furniture for Signallers in Telegraph Department.				
	Basins, Earthen-ware.	...	1	Per man.	
	Basins, metal ...	...	1	Per 4 men	Only to be supplied when earthen-ware basins are not procurable.
	Lanterns ...	...	1	Per 16 men or less.	
	Furniture for Prayer-rooms.				
	Wall Lamps ...	...	5	Per Regiment of Cavalry or Wing of Infantry.	
			8	Per Regiment of Infantry.	
			12	Per 2 Regiments of Infantry.	
			1	Additional for each Battery of Royal Artillery.	
	Wrenches ...	New iron trestle Barrack cot.	2	Per Troop or Company or Battery of Artillery using the new iron trestle Barrack cot.	

FORM No. 148—(Commissariat).

Chap. XXI. of Code, P. W. D.

LIST OF MISCELLANEOUS ARTICLES AUTHORIZED TO BE ISSUED BY THE COMMISSARIAT DEPARTMENT TO HOSPITALS, EUROPEAN AND NATIVE.

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles for European Troops of different Arms of the Service, calculated for 12 per cent. Sick on the established strength.

Description of Articles.	European Troops.										Remarks.	Native Troops.	
	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry		Regiment of Infantry.				
			Number of Sick.										
	Proportion.	Sick.	Male 18.	Female 2.	Male 10.	Female 1.	Male 55	Female 6	Male 100.	Female 12.		Cavalry.	Infantry.
HOSPITAL MISCELLANEOUS ARTICLES.													
Blacking ...	...	...	...	...	...	...	...	...		...	As required ...	...	
Bell, fumigating ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Brushes, shoe, set ..	1	50	1	...	1	...	2	...	2	...			
Basin, earthen, large ...	1	25	1	..	1	...	2	...	4	1	...	4	4
„ wash-hand, crockery ...	1	4	4	1	2	...	13	2	25	3	...	...	..
„ small, for washing sores, crockery.	1	5	3	1	2	...	11	1	20	2	...	...	...
Basket, bottle, for each ward, for which head attendant is responsible.	...	...	...	...	...	...	...	...	...	...	One for each ward ..	...	...
Brushes, hand-scrubbing, cocoanut-fibre.	1	10	2	...	1	...	5	1	10	1	...	...	...
Brooms, with long handles for sweeping walls, &c.	...	...	...	...	...	...	...	...	...	...	One for each ward ...	Two per Hospital.	
Burners, glass ...	...	..	...	...	...	...	...	...	...	...	As required. One per lamp in use.	Same as in European Hospitals.	
Chamber pot with cover ...	1	2	9	1	4	1	27	3	50	6	..	.	.
Chimnies, kerosine ...	.	...	...	...	...	...	...	.	..	...	One per lamp in use. Renewals 15 per cent. per mensem.	...	...
Chick, fine ...	...	...	...	...	...	...	...	...	...	...	One to each opening inside verandah.	...	...
„ coarse ...	...	...	...	...	...	...	...	...	...	...	One to each outer verandah	.	...
Chisel ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Corkscrew ...	...	...	...	...	...	...	...	...	...	...	One to each ward	..	...
Crutches, pairs ...	1	50	1	...	1	...	1	...	2	...	...		...
Cups, spitting, simple, without tops, earthen-ware, with round bottoms, English.	1	4	4	1	2	1	13	2	25	3	...	...	...
Cups, feeding, China or Delf, for men who cannot sit up.	1	10	2	...	1	...	5	1	10	1	...	...	...

FORM No. 148—(Commissariat)—*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	European Troops. Scale. Proportion.	Scale. Sick.	Royal Horse Artillery, Battery, Field Battery, or Mountain Battery. Number of Sick. Male 18.	Female 2.	Garrison or Heavy Battery. Male 10.	Female 1.	Regiment of Cavalry. Male 55.	Female 6.	Regiment of Infantry. Male 100.	Female 12.	Remarks.	Native Troops. Cavalry.	Infantry.
HOSPITAL MISCELLANEOUS ARTICLES—*continued.*													
Cups, medicine ...	3	5	11	2	6	1	33	4	60	7	...	...	...
Dusters ...	1	2	9	1	4	1	27	3	50	6	...	...	...
Foot-warmer ...	1	50	1	...	1	...	1	...	2	...	...	...	...
Hammer ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Knife-cleaning board ...	1	50	1	...	1	...	1	...	2	...	...	...	...
Lamp, common oil ...	...	...	...	...	...		...	...	...	...	According to the number and size of the wards, if kerosine lamps be not supplied.	One for each ward.	
Lamp, hand ...	1	50	1	...	1	...	2	...	2	...	Also one hand lamp common oil per separate hospital.	...	...
Light, night ...	...	...	...	...	...	...	...	...	...	...	As required.	...	...
Lamps, kerosine ...	Entire Night: 1 Lamp per ward or separate room occupied by patients ... 1 Lamp per surgery ...									...	Till Tattoo: 1 Lamp per 12 patients. 1 Reading lamp.	Renewals 2 per cent. per mensem on the number in use.	
Lamps, common, oil ...	1 Lamp per passage to privy ... 1 Lamp per privy ... 1 Lamp per cook-room, if specially required by Medical Officer ...									...	...	Glass burners. Renewals 5 per cent.	
Looking-glass ...	1	10	2	1	1	1	5	1	10	1	...	...	...
Mallet, wooden ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Mat, door ...	...	...	...	...	...	...	...	...	...	...	One for each door of the Hospital.	...	...
Napkins, small, for ophthalmia	2	5	7	1	4	...	22	2	40	5	...	...	...
Nails, iron ...	...	...	...	...	...	...	...	...	...	...	As required.	...	...
Pall ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Pail, water ...	1	20	1	...	1	...	2	1	5	1	...	...	...
Pan, close, crockery ...	...	...	...	...	...	...	...	...	...	...	According to number of stools.	...	...
,, privy, iron ...	...	...	...	...	...	...	...	...	...	...	One to each seat; 10 per cent. on the number in use to be kept as surplus.	...	...
Pan, bread, crockery, glazed, with cover.	2	3	12	1	6	1	36	4	66	8	...	...	...
Purdah ...	...	...	...	...	...	...	...	...	...	...	As many as may be considered absolutely necessary for inner doors and openings. Not to be supplied to Hospitals where doors and windows are well appointed.	Same as for European Hospitals.	
Rope, cotton ...	...	...	...	...	...	...	...	...	...	...	As required.	...	...
Rug, bed-side ...	1	each	18	2	10	1	55	6	100	12	...	...	...

FORM No. 148—(Commissariat)—*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	European Troops. Scale. Proportion.	Scale. Sick.	Royal Horse Artillery, Battery, Field Battery, or Mountain Battery. Number of Sick. Male 18.	Female 2.	Garrison or Heavy Battery. Male 10.	Female 1.	Regiment of Cavalry. Male 55.	Female 6.	Regiment of Infantry. Male 100.	Female 12.	Remarks.	Native Troops. Cavalry.	Infantry.
HOSPITAL MISCELLANEOUS ARTICLES—*concluded.*													
Scissors ...	...	...	...	...	...	...	...	...	...	...	One to each ward ...	...	...
Spoon, medicine, wedge-wood-ware.	2	5	7	1	4	...	22	2	40	5	...	...	...
Shovel, fire ...	...	...	...	...	...	...	...	...	...	...	One for each kitchen ...	...	...
Slate, large ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Stomach-warmer ...	1	50	1	...	1	...	1	...	2	...	...	...	...
Trap, rat ...	...	...	...		...	...		...	...	...	One for each Regimental Hospital.	...	...
Tub for washing cooking utensils, 18-gallon size.	1	50	1	...	1	...	2	...	2	...	...	...	...
Tub for washing potatoes, 18-gallon size.	1	50	1	...	1	...	1	...	2	...	...	...	...
Tub for receiving foul bedding	1	50	1	...	1	...	2	...	2	...	...	...	...
Tubs, half casks, with lids ...	Three per wash-house									...	For holding water for washing.	...	...
„ „ „ bathing ...	...	...	1	...	...	...	2	...	2	...	...	1	1
Trunks, camel, pairs, for medicines and instruments.		...	1	...	1	...	3	...	6	...	...	...	...
Trunks, diaries ...	...	..	1	.	1	...	1	...	1	...	...	...	...
„ steward's ...	...		3	...	2	...	8	...	15	...	...	...	...
Tape, broad, yard ...	1	each	18	2	10	1	55	6	100	12	...	..	...
COOKING UTENSILS.													
Board for pastry ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Boilers, copper, with covers, large, medium, and small in nests.	1	14	2	...	1	...	5	...	8	..		...	...
Box, pepper ...	1	50	1	...	1	...	1	...	2	...		...	...
Can, milk ...	1	33	1	...	1	...	2	...	3	...		...	...
Can, water, 3 gallons, earthen ghurrah for holding drinking water.	...	...	...	...	...	...	...	...	...	...	As required ...	...	...
Chopper ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.	...	...
Cleaver ...	1	50	1	...	1	...	1	...	2	...		...	...
Colander, tin, one gallon ...	1	25	1	...	1	...	2	...	4	...		...	...

FORM No. 148—(Commissariat) —*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.		Remarks.
			Number of Sick								
	Proportion.	Sick.	Male 18.	Female 2.	Male 10.	Female 1.	Male 55.	Female 6.	Male 100.	Female 12.	
			COOKING UTENSILS—*continued.*								
Crock, milk, earthen-ware, glazed, of one quart each, with cover.	1	50	1	...	1	...	1	...	2	...	
Dish, tin, large ...	1	25	1	.	1	...	2	..	3	1	
Fork, flesh ...	1	50	1	...	1	...	1	...	2	...	
„ toasting ...	1	50	1	...	1	...	2	...	2	...	
Flour dredger, 1 pint size ...	1	50	1	...	1	...	1	..	2	...	
Funnel ...	1	50	1	...	1	...	1	...	2	...	
Grater, nutmeg ...	.	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.
„ bread, tin ...	1	50	1	...	1	...	1	...	2	...	
Gridiron ...	...	...	...	...	...	...	..	...	...	...	One for each Regimental Hospital.
Hook, meat ...	1	10	2	...	1	...	5	1	10	1	
Infusor, tea ...	1	12	2	...	1	...	4	1	8	1	
Kettle, tea, iron—											
2 two gallons ... / 2 one gallon ...	..	...	2	...	2	...	2	...	4	...	
Knife, bread ...	1	50	1	..	1	...	1	...	2	..	
„ butcher's ...	1	50	1	..	1	...	2	...	2	.	
Machine, weighing, to weigh from ¼ oz. to 14 lbs., for kitchen.	...	..	..	...	...	...	...	...	...	...	One for each Regimental Hospital.
Machine, weighing, for weighing articles in bulk, with weights, *viz.*, 7, 14, 28, 56 lbs., one and 5 cwts.	...		...	...	...	...	...	...	...	...	
Measures for milk— 1 gallon ... / ½ „ ... / 1 quart ... / 1 pint ... / ½ „ ... / 1 gill ... / ½ „ ...	...	..	...	...	...	...	...	...	...		
Measure, ½ pint to ½ gallon, set.	...	...	...	...	...	...	...	...	...	...	
Net, potatoe ...	1	5	3	1	2	...	11	1	20	2	
Pan, frying ...	1	50	1	...	1	...	1	...	2	...	

FORM No. 148—(Commissariat)—*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.		Remarks.
			Number of Sick.								
	Proportion.	Sick.	Male 18.	Female 2.	Male 10.	Female 1.	Male 55.	Female 6.	Male 100.	Female 12.	
			COOKING UTENSILS—*concluded.*								
Pin, rolling ...	...	...	...	..	...	...	...	...	...	...	One for each Regimental Hospital.
Saucepan, iron— 1 two gallon ... 1 gallon ... 1 quart ... 2 pint ...	...	...	4	1*	4	1*	4	1*	5	1*	* Pint.
„ quarts ...	1	12	2	...	1	...	4	1	8	1	
Saw, butcher's ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.
Scoop, tin, for sugar and tea ...	...	...	2	..	2	...	2	...	2	...	
Soup can, 3 gallon ...	1	20	1	...	1	...	2	1	5	1	
„ ladle, pint ...	...	..	...	..	...	...	...	...	...	...	Two per Hospital for a Regiment of Infantry, and one for Cavalry and Battery of Artillery.
Squeezer, lemon ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.
Steamer, potatoe, made to fit boiler.	1	50	1	...	1	...	1	..	2	...	
Strainer, gravy ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.
Steak tongs ...	...	...	...	...	..	...	...	...	...	...	One for each Regimental Hospital.
Shape, pudding, round, of coarse delf.	2	5	7	1	4	...	22	2	40	5	
Steel ...	...	...	...	...	...	...	...	...	...	...	One for each Regimental Hospital.
			DIET AND TABLE REQUISITES.								
Blankets, English, larg th lids and of grey color*	1	each	18	2	10	1	55	6	100	12	
Counterpanes, grey white tufted* ...	3	10	5	1	2	1	16	2	30	3	
Curtains, musquito, in Provinces. er, to	1	20	1	...	1	...	2	1	4	1	
Handles, with cords, for be den patients to raise them											
Mattresses of horsehair, c ... nut-fibre, or cotton.	1	6	3	1	2	...	9	1	16	2	
Pillows, cotton ...	1	5	3	1	2	...	11	1	20	2	
„ covers ...	1	each	18	2	10	1	55	6	100	12	
„ hair, small spirit	2	5	7	1	4	1	22	2	40	5	
„ „ covers ...	1	each	18	2	10	1	55	6	100	12	
Sheets, cotton g ...	1	25	1	...	1	...	2	...	3		

FORM No. 148—(Commissariat) —*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.		Remarks.
			Number of Sick.								
	Proportion.	Sick.	Male 18.	Female 2.	Male 10.	Female 1.	Male 55.	Female 6.	Male 100.	Female 12	
DIET AND TABLE REQUISITES—*continued.*											
Measure for wine—											
1 pint ...											
½ „ ...	1 of each	50	1	1*	1	1*	1	1*	2	1*	* ½ Pint.
1 gill ..											
½ „ ...											
Mug, pint, crockey ...	1	each	18	2	10	1	55	6	100	12	
„ „ pewter, for malt liquor	2	5	7	1	4	1	22	2	40	5	
Pepper-castor ...	1	12	1	1	1	...	4	1	8	1	
Pot, coffee ...	1	12	2	...	1	...	4	1	8	1	
„ mustard ...	1	12	1	1	1	...	4	1	8	1	
„ tea, crockery, small ..	1	7	2	1	2	...	8	1	14	2	
Plates, crockery ...	3	2	27	3	15	1	82	9	150	18	
Salt cellar ...	1	each	18	2	10	1	55	6	100	12	
Spoon, egg ...	3	10	5	1	2	1	16	2	30	3	
„ tea ...	1	each	18	2	10	1	55	6	100	12	
„ table ...	1	„	18	2	10	1	55	6	100	12	
„ mustard ...	1	12	1	1	1	...	4	1	8	1	
„ large ...	1	25	1	...	1	...	2	...	3	1	
Table cloth, diaper or white moleskin.	1	5	3	1	2	...	11	1	20	2	
HOSPITAL CLOTHING.											
Caps, hospital ...	1	each	18	...	10	...	55	...	100	...	
„ night ...	1	2	9	1	5	1	27	3	50	6	
„ for women ...	3	each	...	6	...	3	...	18	...	36	
Drawers, thick twilled flannel for Upper Provinces, blue or French grey.	3*	2	32	...	18	...	98	...	180	...	
Drawers of two varieties, 1 thick and 1 thin. The thick ones of blue or French grey serge or thick twilled flannel for Upper Provinces; thin flannel or serge for Lower Provinces and for hot season in Upper Provinces.	3*	2	32	...	18	...	98	...	180	...	

FORM No. 148—(Commissariat)—*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.		Remarks.
			Number of Sick.								
	Proportion.	Sick.	Male 18.	Female 2.	Male 10.	Female 1.	Male 55.	Female 6.	Male 100.	Female 12.	
HOSPITAL CLOTHING—*continued.*											
Gowns, short, calico, for women	2	each	...	4	...	2	...	12	...	24	
„ long, warm, for women	2	„	...	4	...	2	...	12	...	24	
Handkerchiefs, pocket ...	5	2	45	5	25	2	137	15	250	30	
Neckerchiefs ...	3*	2	32	...	18	...	98	...	180	...	
Petticoats, calico	2	each	...	4	...	2	...	12	...	24	
„ flannel ...	2	„	...	4	...	2	...	12	...	24	
Shifts, calico ...	4	„	...	8	...	4	...	24	...	48	
„ flannel, under ...	3	„	...	6	...	3	...	18	...	36	
Shirts, cotton, of good calico...	3	„	54	...	30	...	165	...	300	...	
Shirts, flannel, of good material, and the flannel to be shrunk before the shirts are cut out.	3*	2	32	...	18		98	...	180	...	
Slippers, pairs ...	1	each	18	2	10	1	55	6	100	12	
Socks, worsted, English, pairs	2	„	36	...	20	..	110	...	200	...	English.
„ cotton ...	2	...	36	...	20	...	110	...	200	...	Ditto.
Stockings, English worsted, pairs, for women.	3	each	...	6	...	3	...	18	...	36	Ditto.
Stockings, cotton, pairs, for women.	3	„	...	6	...	3	...	18	...	36	Ditto.
Towels, hand ..	2	„	36	4	20	2	110	12	200	24	
„ round ...	...	...	...	...	...	...	...	...	...	...	One to three men, to be changed every second day at least.
Waistcoats, straight ...	1	50	1	...	1	...	1	...	2	...	
BEDDING.											
Blankets, English, large, thick and of grey color*	2	each	36	4	20	2	110	12	200	24	* Deputy Inspector General to pass additional blankets and counterpanes in emergencies not exceeding 50.
Counterpanes, grey color, white tufted*	1	„	18	2	10	1	55	6	100	12	
Curtains, musquito, in Lower Provinces.	...	...	...	...	...	...	...	...	...	...	One for each bed.
Handles, with cords, for bedridden patients to raise themselves.	1	12	2	...	1	...	4	1	8	1	
Mattresses of horsehair, coanut-fibre, or cotton.	1	each	18	2	10	1	55	6	100	12	25 per cent. to be of horsehair.
Pillows, cotton ...	2	„	36	4	20	2	110	12	200	24	
„ covers ...	4	„	72	8	40	4	220	24	400	48	
„ hair, small ...	1	4	4	1	2	1	13	2	25	3	
„ „ covers ...	2	4	8	2	4	2	26	4	50	6	
Sheets, cotton ...	4	each	72	8	40	4	220	24	400	48	

* With an addition of 20 per cent. on the articles in use.

FORM No. 148—(Commissariat) —*continued.*

Scale of Hospital Utensils, Clothing, Bedding, and Miscellaneous Articles, &c.—continued.

Description of Articles.	Scale.		Royal Horse Artillery, Battery, Field Battery, or Mountain Battery.		Garrison or Heavy Battery.		Regiment of Cavalry.		Regiment of Infantry.		Remarks.
	Proportion	Sick.	For children from one to four years of age.	For children from four to ten years of age.	For children from one to four years of age.	For children from four to ten years of age.	For children from one to four years of age.	For children from four to ten years of age.	For children from one to four years of age.	For children from four to ten years of age.	
			Number of Sick.								
			2	2	1	1	6	6	12	12	
CLOTHING FOR CHILDREN.											
Caps, small ...	4	each	8		4		24	...	48		
" ...	2	"		4		2	...	12	..	24	
Drawers, small, of two sizes, pairs.	4	"	8	..	4	...	24	...	48	...	
Drawers, cotton, of three sizes, pairs.	3	"		6	.	3	...	18	...	36	
Drawers, flannel, of three sizes, pairs.	3	each	...	6	...	3	...	18	...	36	
Frocks, small ..	3	"	6	...	3		18	...	36	...	
" ...	2	"	...	4	...	2	...	12	...	24	
Shirts, cotton, small, of two sizes.	4	"	8		4	.	24		48	...	
Shirts, flannel, small, of two sizes.	4	"	8	...	4	...	24	..	48	...	
Shirts, cotton, of three sizes...	3	"	...	6	...	3	...	18	...	36	
" flannel, of three sizes...	3	"	...	6	...	3	...	18	...	36	
Stockings, small, half warm, half cotton, pairs.	4	"	8	...	4	...	24	...	48	...	
Stockings, cotton, three sizes, pairs.	3	"	..	6	...	3	...	18	...	36	
" warm, three sizes, pairs.	3	"	...	6	...	3	..	18	...	36	
BEDDING FOR CHILDREN.											
Blankets .	20	15	3	3	2	2	8	8	16	6	
Curtain, musquito, in Lower Provinces.	...	.	...	...	...	...	...	...	..	..	One to each bed.
Mattresses of cocoanut-fibre, or cotton.	20	15	3	3	2	2	8	8	16	6	
Pillows, cotton ...	20	15	3	3	2	2	8	8	16		
" covers ...	40	15	6	6	4	4	16	16	32		
Rugs, cotton ...	25	15	...	3	...	2	...	10		20	
Sheets, pairs ...	40	15	6	6	4	4	16	16	32	32	

FORM No. 148—(Commissariat)—*continued.*

Scale of Hospital Equipment for European Troops on the line of march from one station to another.

LIST OF ARTICLES.		Strength 1,000, or sick 50.	Strength 500, or sick 25.	Strength 100, or sick 5.	Strength 50, or sick 3.
Bazar Medicines.					
Alum	lbs.	1	½	¼	¼
Mustard, English	"	6	3	1	½
Wax, Bees'	"	1	½	¼	¼
Hospital Necessaries.					
Arrowroot	lbs.	8	4	1	½
Brandy	Bottles	12	6	1	1
Brooms	No.	2	2	1	1
Candles, Wax	lbs.	2	1	½	½
Cloth, fine	Yards	4	2	1	1
" country	"	15	8	4	4
Cotton	Oz.	10	5	2	2
Linseed	lbs.	10	5	1	1
Oil for Hospital lighting	"	20	12	8	8
Oil	Pints	4	2	1	1
Soap, Country	lbs.	2	1	½	¼
" Europe	"	1	½	¼	¼
Sugar	"	4	2	1	½
Twine	Oz.	8	4	2	1
Wine, Port	Bottles	24	12	4	2
Stationery.					
Blotting paper	Sheets	12	6	4	2
Country paper	Quires	2	2	1	½
Foolscap	"	4	2	1	½
Ink	Bottles	2	2	1	1
Pencils	No.	2	1	1	1
Pen-knives	"	1	1	1	1
Quills	"	25	12	6	4
Rubber	Oz.	1	1	1	1
Ruler	No.	1	1	1	1
Wafers	Oz.	1	1	½	½
Bedding and Clothing.					
Bed covers or cases	No.	50	25	5	3
Belly Bands	"	20	10	2	1
Blankets	"	100	50	10	6
Caps, Hospital	"	50	25	5	3

FORM No. 148—(Commissariat) —*continued.*

Scale of Hospital Equipment for European Troops on the line of march from one station to another —continued.

List of Articles.		Strength 1,000, or sick 50.	Strength 500, or sick 25.	Strength 100, or sick 5.	Strength 50, or sick 3.
Bedding and Clothing —continued.					
Counterpanes, tufted	No.	50	25	5	3
Gowns, flannel	„	50	25	5	3
Pillow cases		50	25	5	3
Sheets, cotton		100	50	10	6
Shirts, cotton		100	50	10	6
„ flannel		100	50	10	6
Slippers	Pair	20	10	2	2
Socks, cotton		100	50	10	6
Towels		50	25	5	3
Trowsers or Drawers, flannel		50	25	5	3
Miscellaneous.					
Bathing Tubs or Bath, portable ...		1	1	1	1
Candlestick		1	1	1	1
Chamber pots with covers		2	1	1	1
Copper cooking utensils	Set	1	1	1	1
„ Stool Pans	No.	2	1	1	1
Cork-Screws	„	1	1	1	1
Cups, drinking		20	10	2	2
Forks		50	25	5	3
Gindees		2	1	1	1
Gridirons		1	1	1	1
Kettles, Tea		1	1	1	1
Knives		50	25	5	3
Lanterns or Lamps, hand		2	1	1	1
Night Chairs or Chair, Close Stool ...		1	1	1	1
Pint measures		1	1	1	1
Plates of tin		25	12	3	2
Spoons		25	12	3	2
Tumblers		2	2	2	2
Chairs, Light or Folding		As may be necessary.			
Sulletahs					
Tables, small, camp					
Tarpaulins					
Trunks, Camel or Mule					

FORM No. 148—(Commissariat)—*continued.*

Scale of Hospital Equipment for European Troops proceeding by rail from one station to another.

ARTICLES.		Strength 50.	Strength 100.	Strength 500.	Strength 1,000.
Blankets ...	... No.	2	3	4	6
Brandy ...	... Bottles	1	2	4	6
Hospital Clothing ...	... Suits	4	4	6	8
Medicines prepared, small tin	...	1	1	1	1
Pocket case ...	... No.	1	1	1	1
Pewter measure, 1 oz. ...	... "	1	1	1	1
Towels ...	... "	2	3	4	6

Tin Boxes of Medicines for Detachments unaccompanied by a Medical Officer.

No. 1, Quinine Pills, 2½ Grains, 6 Dozens.	No. 2, Cough Pills, 6 Dozens.	No. 3, Colocynth and Henbane, or Aperient Pills, 4 Dozens.	No. 4, Opium Pills, 1 Grain, 6 Dozens.	No. 5, Calomel and Opium Pills, 4 Dozens.	No. 10. Laudanum, oz. ½. " 11. Sal Volatile, oz. ½. " 12. Cholera Pills, 100. " 13. Simple Dressing, dr. 6. " 14. Adhesive Plaster, dr. 6. " 15. Lint, dr. 6. " 16. Scissors, No. 1.
No. 6, Blue Pills, 4 Dozens.	No. 7, Lead and Opium Pills, 6 Dozens.	No. 8, Gallic Acid and Opium Pills, 6 Dozens.	No. 9, Tarter Emetic Powders, 1 Grain, 3 Dozens.		

No. 1.—Two and half grain Quinine Pills—One for a dose twice or thrice a day in the interval of fever. If the bowels are confined, give 2 Aperient Pills before commencing the Quinine.

" 2.—Cough Pills—Compound Squill Pill gr. ii, Ipecacuanha gr. i. in each—One to be taken three or four times a day, when the Cough is troublesome.

" 3.—Colocynth and Henbane or Aperient Pills—One or two for a dose to produce a mild action on the bowels. Repeat the dose in three or four hours, if required.

" 4.—One grain Opium Pills—To relieve pain as in Griping or Colic—One for a dose, to be repeated in four hours, if required.

" 5.—Calomel and Opium Pills—Each contains two grains Calomel and ⅔ grain Opium, given in fever, inflammation and dysentery, also in early stage of cholera or sudden diarrhœa.

" 6.—Blue Pills—One at bed-time and a Colocynth Pill in the morning when bilious, headachy, or out of sorts, as after drinking.

" 7.—Lead and Opium Pills—Each contains three grains Lead and one grain Opium, for diarrhœa and dysentery—One for a dose every time the bowels are loosely moved.

" 8.—Gallic Acid and Opium Pills—Gallic Acid 3 grains, Opium 1 grain, in each Pill for milder cases of diarrhœa—One a dose two or three times a day.

" 9.—Tartar Emetic Powders—One grain each—One dissolved in a glass of warm water to be given as an emetic. For fever and colds—Dissolve one powder in a quart bottle of warm water and take a wine-glass-full every second hour till perspiration or slight nausea is produced.

" 10.—Laudanum—Give to an adult forty drops in a little brandy and water in a sudden attack of diarrhœa, or when cholera is threatened; twenty-five drops may be given to procure sleep.

" 11.—Sal Volatile—A tea-spoonful a dose in a little water, in faintness from effects of the sun, or when the extremities are cold in cholera.

" 12.—Cholera Pills for Natives—Assafœtida, Black Pepper, Opium, of each 1 grain—Give one Cholera Pill every hour for four doses while the purging continues (none after it has stopped), and repeat small quantities of Brandy and hot water every half hour. Should the extremities become cold, administer thirty drops of Sal Volatile in half a wine-glass of water every quarter of an hour, and rub well the extremities with powdered ginger until warmth is restored. Apply hot bricks to the hands and feet, and a mustard poultice over the region of the stomach. Twelve hours after all symptoms of cholera have ceased, give one or two of the Colocynth and Henbane Pills to produce a mild action on the bowels. Repeat the dose in three or four hours, if the first dose does not act.

" 13.—Simple dressing for sores.

" 14.—Sticking Plaster for cuts.

" 15.—Lint.

" 16.—Scissors, No. 1.

Weight with contents 2—6.
Length 8½ inches.
Breadth 4½ "
Height 3 "

FORM No. 154.

Chap. XXI, of Code P. W. D.

SCALE OF PETTY SUPPLIES AUTHORIZED TO BE INDENTED FOR BY REGIMENTS FROM THE COMMISSARIAT DEPARTMENT.

ARTICLES.	AUTHORIZED SCALE.	REMARKS.
Cotton wicks ...	3 chittacks per six lamps with two wicks each monthly, or 1 chittack per 120 wicks nightly.	This scale is extended to Sergeants and married men of British Regiments.
Cloth for cleaning lamps	One yard monthly for every eight lamps provided by the State.	Libraries, Reading-rooms, Sergeants' Messes; Sergeants and married Soldiers are not provided with lamps by the State.
Charcoal for Armourers' Shops.	320 lbs. monthly ...	For repairs.
Charcoal for Filters ...	3½ lbs. per ghurrah monthly ...	To be indented for quarterly where filters are sanctioned. Ditto ditto.
Dhoona or Tar ...	1 lb. per iron vessel monthly ...	To be mixed and applied by the Regimental Conservancy Establishment. Composition—one part rosin of saltree, three parts linseed oil. If Tar is available and cheaper than Dhoona, it is to be used in preference at the rate of 8 oz. per iron vessel monthly.
Dolchies ...	1 per two tatties when close together, and 1 per tattie when distant.	To be indented for when actually required.
Firewood, vermin boiler	To be supplied when required ...	Quantity 2½ annas per cot in use sanctioned annually for firewood.
Ditto, Barracks ...	See G. O. C. C. No. 135 of 10th July 1866, and Form No. 155.	
Ditto, Armourers' Shops.	20 lbs. monthly ...	For repairs. Allowance for Crowning as per G. O. C. C., dated 29th May 1865.
Ghurrahs for Filters ...	Three per filter; 20 per cent. sanctioned monthly for renewal.	
Ditto for thatched buildings.	Limit 40 per cent. on number in use.	The numbers to be fixed by Executive Engineers and local authorities. (Not authorized for Native Infantry Lines except when vacant, nor for buildings furnished with tanks and buckets).
Lime, quick ...	20 oz. per filth pit per diem ...	Not allowed for privies or any other purpose.
Oil for Well Gear	Each mote (bag) 2 lbs ...	4 lbs. allowed on first issue. For Barrack, Hospital, and Plunge-bath Wells only.
	Ditto leather rope ditto ...	2 Ditto ditto
Nands ...	1 per two tatties when close together, and 1 per tattie when distant.	Ten per cent. per mensem allowed for breakages.
Oil for large Kerosine Lamps, English patterns.	4¾ to 5½ oz. per large lamp ...	Nightly according to season of year.
	4 to 4¾ oz. per small lamp ...	

FORM No. 154—*continued.*

ARTICLES.	AUTHORIZED SCALE.	REMARKS
Oil for common Lamps	Lamps, entire night, 2½ chittacks, from 22nd March to 21st September. Ditto, ditto, 3 ditto, from 22nd September to 21st March. Lamps till tattoo 1 chittack ...	ENTIRE NIGHT. *No. of Lamps.* Main Guards ... ... 2 Other Guards .. ... 1 Privies and urinals, each ... 1 but not for those attached to Staff Sergeants' quarters All Regimental Staff Sergeants, Class A, and Sergeants Major and Quarter Masters Sergeant of detached Batteries of Royal Artillery. } Oil for 1 Lamp each. For Libraries and Reading-room Rs. 3 per Troop or Company is allowed monthly. Horse and Field Batteries Rs. 4-12 monthly. TILL TATTOO. Each Sergeant and Married Soldier. } Oil for 1 Lamp. Sergeants' Messes, 2 chittacks for every six Sergeants in Mess. Night School, one solar lamp with 3 chittacks of oil to every four men per night the School is open; one wick every fourth night; attendance to equal 25 in a complete Regiment, European Infantry. 25 ditto ditto ditto Cavalry. 20 Wings of Infantry or Brigades, or Divisions of Artillery. Sanction of Commander-in-Chief required. See G. O. C. C., dated 29th August 1864. Depôts according to strength. Station Native Guards supplied with oil by Commissariat Department, but not Regimental Guards, which are to be supplied regimentally.
	Lanterns, Bull's-eye, per European Guard.	One chittack of oil per night for each Bull's-eye lantern in use.
Pans, earthen-ware, for Filter Stands.	1 per Filter Stand ...	2 per cent. per mensem for renewals.
Stuffing for mattresses and pillows per iron trestle cot in Bengal Proper.	21½lbs. of coir per mattress and pillow.	To be cleaned and tested and renewed as necessity may dictate
Ditto for all other stations.	24 lbs. of straw per ditto ...	Straw to be renewed quarterly and old straw returned to Commissariat Department.
Sand for Filters ...	3½ lbs. per ghurrah monthly ...	To be indented for quarterly where filters are sanctioned
Soap for washing Mattresses.	¼ lb. of English Soap per quarter	Per mattress and pillow
Tatties ..	For half the number of apertures on one side of Barracks and Hospitals.	
Unguent Fire Engine	2 lbs. per fire engine ...	Unguent consists of fat or tallow boiled with sweet oil.
* Ditto Ambulances	8 oz. per cart monthly ...	To be indented for every six months by Quarter Masters of Corps on the nearest Magazine.
* Ditto Conservancy Carts.	8 oz. for each pair of wheels monthly.	Unguent to be composed of two parts grease and one part tar. Unguent for Regimental Carts will be included in Regimental Indents for petty supplies, and be applied to the carts by the Quarter Master's Establishment. For Station Conservancy Carts, the unguent will be supplied and applied by the Commissariat Department, the cost for the same being charged to the Cantonment Fund; where no Cantonment Fund exists, the Commissariat Department will supply the unguent, and have it applied by the Conservancy Establishment
Wicks, 9" long, for Kerosine Lamps.	2 per lamp monthly.	
Wicks per Solar Lamp	1 per lamp every fourth night if necessary.	

* *Vide* Circular dated 13th October 1865.

NOTE.—I.—Medical Officers indent for miscellaneous supplies for Hospitals.

II.—Indents are to be made on the 25th of the month preceding that for which required.

III.—Indian weights are to be used in indenting for oil and cotton, English for other articles.

IV.—Indents for miscellaneous supplies are to be prepared in triplicate.

V.—The strength of the Corps or Detachment and all other details necessary in checking the indent are to be entered on the inner fold of the Indent.

VI.—Numbers and quantities of articles indented for are to be written as well as entered in figures.

FORM No. 157—Ordnance.

Chap. XXI, Code, Public Works Department.

REVISED LIST OF STORES, &c., AUTHORIZED TO BE SUPPLIED BY THE ORDNANCE DEPARTMENT, FOR THE USE OF STATIONS AND TROOPS.

Surplus to be kept by Regiments.		Articles.	Proportion allowed by Regulation per lecture room for a Regiment of Cavalry or Infantry.	Remarks.
No. or quantity surplus.	Per No. in use.			
		MUSKETRY INSTRUCTION ARTICLES FOR STATIONS AND BRITISH TROOPS, CAVALRY AND INFANTRY.		
3	10*	Targets, iron, 6 ft. by 2 ft., complete ...	8	English-made targets distinguished by having been forged in one complete piece, including flanges, and having no rivets whatever, are invariably to be issued in sets, and kept distinct from those of country-make.
		Flags (when using mantlets) — Red 6 ft. sq. ...	1	
2	4	Flags (when using mantlets) — „ 3 ft. by 4 ft. ...	4	
1	2	Flags (when using mantlets) — „ and white 2½ ft. sq...	2	
1	2	Flags (when using mantlets) — Dark blue ditto ...	2	
1	2	Flags (when using mantlets) — White ditto ...	2	
4	11	Poles, Lance, 10ft. long ...	11	
		When using butt, figure 7, page 114, Musketry Regulations. — Disc with poles ...	2	
		When using butt, figure 7, page 114, Musketry Regulations. — Flag, red, 6 ft sq. ...	1	
		When using butt, figure 7, page 114, Musketry Regulations. — Ditto, 3 ft. by 4 ft. ...	4	
Yds.	100 Yds.	Chain or cord labelled every 5 yards, divided into 18 equal parts ...	900 yds.	Not required when Stadiometer is supplied.
6	18	Pins, stout wire, 12 inches long ...	18	
		Stadiometer complete, with 40 yards measuring tape or chain, a cross staff and tripod, old pattern, or ...	2	
		Stadiometer complete, with one twenty yards length of chain, a cross staff and tripod, with stand for the stadiometer to rest upon, new pattern ...	2	
4	12	Tripod rests with rings ...	12	
4	12	Bags, sand, one bushel ...	12	
4	2	Brushes, paint, large ...	2	
4	2	Brushes, paint, small sash ...	2	
		Whiting ...	33½ lbs. annually per Troop or Company ...	One year's full supply of these articles is always to be kept in store by Regiments.
		Paint, dry, lamp black ...	1½ lbs. annually per Troop or Company ...	
		Glue (to make size) ...	4½ lbs. annually per Troop or Company.	
		Paint, mixed, anti-corrosion (for targets)†	2 lbs. annually per target	Targets to be painted twice annually, once with two coats as soon as the Musketry course is over in April, and again with one coat on such date that they will be ready for use on 1st October.
		Paint, mixed black ...	lbs. ozs. 1 12 For 200 Bull's eyes annually ..	
		Paint, mixed white ...	2 10	

Note by Chief Inspector of Musketry.

* An exception to this rule is allowed to Ranges in the hills, as at Solon, where, in consequence of the peculiarity of the ground, additional Targets have been sanctioned by Government letter No. 206 of the 7th March 1863, to the Quarter Master General.

† When issued to out-stations, where there is no magazine, an extra quantity of linseed oil and one pint of turpentine to every 20 lbs. of prepared paint is to be sent.

G. O. No. 196, 17th September 1866.

FORM No. 157—Ordnance—*continued.*

Surplus to be kept by Regiments.		Articles.	Proportion allowed by Regulation per lecture room for a Regiment of Cavalry or Infantry.	Remarks.
No. or quantity surplus.	Per No. in use.			
		Buckets, paint ...	2	
		Crowbars ...	2	
		Wrenches (for screwing up targets) ..	2	The exact dimensions of heads of bolts and nuts should be stated in the Indent.
		Platform, wooden, 20 ft. by 9 inches by 6 inches	2 per stop butt ...	Or condemned iron targets to serve as platforms, provided the targets are perfectly even on the surface, and not bent.
		Tent, upper fly, new pattern, private's (complete with poles, &c.,) condemned..	2	To be pitched at the firing point as a shelter from the sun's rays for men awaiting their turn to fire, or over firing point.
		Black board with easel, 6 ft. by 4 ft. ...	1	
1	1	Wooden model (with suspended wires to illustrate the necessity for keeping the sights upright) ...	1	
		Ruler, flat, three feet long ...	1	
		Rifle musket barrel, rifle 1853 ..	1	
2	6	Waster locks, complete ...	6	
2	6	Turnkey. improved, with cramp (worm, &c.,) attached) ...	6	
		Implements for making cartridges, set to consist of	1 set	
1	5	Measures, tin, 2½ drams ...	5	
1	5	Funnels, tin, (with long narrow spouts)...	5	
4	12	Formers, cartridge, rifle of 1853 ...	12	
4	12	Mandrils of hard wood for do. (forming plugs)	12	
		Patterns, tin (showing shape of paper for cartridges)	1 set	
		Straight edge, iron ...	1	
		Knife, large	1	
		Paper, white (for inner and outer envelope of cartridges) ...	½ quire per Troop or Company annually ...	For every 25 recruits instructed, an additional quantity, as allowed for a Troop or Company, will be issued on special indent.
		Paper cartridge (for cylinder of ditto) ...	⅛ quire ditto ...	Ditto.
		Sand, fine	½ bushel annually.	
10	100	Bullets for rifle 1853 ...	50	
		Files for documents ...	12	
1 oz.	2 ozs.	Sponge	2 ozs.	
		Chalk, common, (Schoolmaster's Crayons for drawing diagrams in lecture room) ...	1 lb. annually.	
		Compasses, with chalk holder ...	1	
		Box model with lock and key ...	1	
		Wooden plug with hold to fit rifle or carbine	1	
		Caps with cross wires to fit rifle or carbine	1	
		Stores for Convalescent Depôts.		
None.	None.	Paint, dry, black ...	4 ozs.	To be supplied annually to admit of 100 Bull's-eyes being painted on the Barrack Walls at Convalescent Depôts
,,	,,	Ditto, white ...	6 ,,	
,,	,,	Brushes, paint	2	
,,	,,	Buckets, paint	2	

FORM No. 157—Ordnance—*continued.*

REVISED LIST OF MUSKETRY INSTRUCTION ARTICLES SUPPLIED BY THE ORDNANCE DEPARTMENT FOR THE ROYAL ARTILLERY.

Surplus to be kept by Regiments.		Articles.	Proportion allowed per Battery or Division of Artillery.	Remarks.
No. or quantity surplus.	Per No. in use.			
3	10	Targets, iron, 6 ft. × 2 ft. complete ...	6	English-made targets, distinguished by having been forged in one complete piece, including flanges, and having no rivets whatever, are invariably to be issued in sets, and kept distinct from those of country-make.
—	—	Flags (when using mantlets.) — Red 6 feet square ...	1	
2	4	Flags (when using mantlets.) — „ 3 × 4 feet ...	4	
1	2	Flags (when using mantlets.) — „ and white 2½ feet square ...	2	
1	2	Flags (when using mantlets.) — Dark blue 2½ feet square	2	
1	2	Flags (when using mantlets.) — White 2½ feet square ...	2	
4	11	Poles, lance, 10 feet long ...	11	
—	—	When using butt, Fig. 7, page 114, Musketry Regulations. — Disc with poles ...	2	
		When using butt, Fig. 7, page 114, Musketry Regulations. — Flags, red, 6 feet square...	1	
		When using butt, Fig. 7, page 114, Musketry Regulations. — Flags, red, 3 × 4 feet ...	4	
50 Yds.	100 Yds.	Chain or cord labelled every 5 yards, divided into 18 equal parts ...	900 yards.	Not required where Stadiometer is supplied.
6	18	Pins, stout wire, 12 inches long ...	18	
4	12	Tripod rests, with rings ...	6	
4	12	Bags, sand, one bushel ...	6	
4	2	Brushes, paint, large ...	2	
4	2	Brushes, paint, small sash ...	2	
		Whiting	33½ lbs. annually ...	One year's full supply of these articles is always to be kept in store by Barrack-masters.
		Paint, dry, lamp-black ...	1½ „ ...	One year's full supply of these articles is always to be kept in store by Barrack-masters.
		Glue (to make size) ...	4½ „ ...	One year's full supply of these articles is always to be kept in store by Barrack-masters.
		Paint, mixed, anti-corrosion (for targets)	2 lbs. annually per target	Targets to be painted twice annually, once with two coats as soon as the Musketry course is over in April, and again with one coat on such date that they will be ready for use on 1st of October.
		Buckets, paint	2	The exact dimensions of heads of bolts and nuts should be noted in indents.
		Crowbars	2	The exact dimensions of heads of bolts and nuts should be noted in indents.
		Wrenches (for screwing up targets) ...	2	The exact dimensions of heads of bolts and nuts should be noted in indents.
		Platform, wooden, 20 feet by 9 inches by 6 inches	2 per stop butt ...	Or condemned iron targets to serve as platforms, provided the targets are perfectly even on the surface and not bent.
		Tent, upper fly, new pattern, Private's (complete with poles, &c.) condemned...	2	To be pitched at the firing point as a shelter from the sun's rays for men awaiting their turn to fire, or over firing point.

FORM No. 157—Ordnance—*continued.*

LIST OF STORES, &c., TO BE SUPPLIED BY THE ORDNANCE DEPARTMENT, FOR THE USE OF NATIVE REGIMENTS ARMED WITH ENFIELD RIFLES.

ARTICLES.	PROPORTION ALLOWED PER REGIMENT.	REMARKS.
MUSKETRY INSTRUCTION ARTICLES.		
Targets, iron, 6 feet by 2 feet complete ...	6	English-made targets distinguished by having been forged in one complete piece, including flanges, and having no rivets whatever, are invariably to be issued in sets, and kept distinct from those of country-make.
FLAGS { Red, 6 feet square	1	
FLAGS { „ 3 feet by 4 feet ...	4	
FLAGS { „ and white 2½ feet square ...	2	
FLAGS { Dark blue „ „ ...	2	
FLAGS { White „ „ ...	2	
Poles, lance, 10 feet long	11	
Stadiometer, complete with 40 yards measuring tape or chain, a cross staff and tripod, old pattern, or ...	1	
Stadiometer, complete with one 20 yards length of chain, a cross staff and tripod with stand for the stadiometer to rest upon, new pattern	1	
Rifle musket barrel, rifle 1853	1	
Waster locks, complete	6	
Turnkey, improved, with cramp, worm, &c., attached ...	6	The exact dimensions of bolts and nuts should be stated in indents.
Crowbars	2	
Wrenches for screwing up targets ...	2	
Implements for making cartridges ...	1 set.	
Set to consist of—		
Measures, tin, 2½ drams	5	
Funnels, tin, with long narrow spouts ...	5	
Formers, cartridge, rifle of 1853 ...	12	
Mandrils of hard wood for ditto, forming plugs ...	12	
Patterns, tin, showing shape of paper for cartridges ...	1 set.	
Straight edge, iron	1	
Knife, large	1	
Paper, white, for inner and outer envelope of cartridges	½ quire per company annually ...	For every 25 recruits instructed, an additional quantity, as allowed for a company, will be issued on special indent.
Paper, cartridge, for cylinder of ditto ...	⅛ quire ditto ...	
*Paint, mixed, anti-corrosion (for targets) ...	2 lbs. annually per target	Targets to be painted twice annually, once with two coats as soon as the annual course is over in April, and again with one coat on such date that the targets will be ready for use on 1st October.
Paint, mixed black ... } For 200 small bull's-eyes annually ...	1 lb. 12 oz.	
„ „ white ... } For 200 small bull's-eyes annually ...	2 lbs. 10 oz.	

* When issued to out-stations, where there is no magazine, an extra quantity of linseed, and one pint of turpentine to every 20 lbs. of prepared paint is to be sent.

FORM No. 157—Ordnance—*continued.*

LIST OF ARTICLES WHICH ARE TO BE SUPPLIED BY WING OFFICERS FROM THEIR CONTINGENT ALLOWANCE FOR MUSKETRY INSTRUCTION PURPOSES.

ARTICLES.	PROPORTION TO BE SUPPLIED.	REMARKS.
Tripod rests with rings for aiming, drill, &c. ...	12	
Bags, sand, one bushel	12	For coloring the targets at practice, &c.
Brushes, paint, large	2	
Brushes, paint, small sash	2	
Whiting ...	33½ lbs. annually per company ...	
Paint, dry, lamp black	1½ lb. annually per company ..	
Glue (to make size)	4½ lbs. annually per company ...	
Buckets, paint	2	
Sand, fine	½ bushel annually per regiment.	For instruction in making cartridges.
Dummy targets, 6 feet × 6 feet composed of a wooden frame, covered with canvas or cotton material ...	2	To assist in signalling shots and to indicate the direction of shots that miss the target—more especially in firing at 2nd class distances. Inspectors of Musketry will explain and show the manner of using these dummy targets and discs.
Poles, light, or bamboos about 12 feet long with wooden disc at one end	2	
Cans of suitable pattern for Rangoon oil ..	One per company.	
ARTICLES FOR RIFLE RANGE AT SOLON.		
Wheelbarrows	2	
Pickaxes	4	
Spades	12	

ORDNANCE STORES—*continued.*

ARTICLES.	PROPORTION ALLOWED BY REGULATION.		SURPLUS TO BE KEPT BY REGIMENTS	
FITTINGS FOR ARMOURER'S SHOPS.				
Boiler or trough for browning Arms	1	Per Armourer's Shop ...	...	None.
Bellows, 21 inches ...	1	Ditto ditto ...	...	Ditto.
Forge Anvil to weigh 1 cwt. 2 qrs. 12 lbs. ...	1	Ditto ditto ...	...	Ditto.
Grinding Stone ...	1	Ditto ditto ...	...	Ditto.
FOR ROYAL ARTILLERY PRACTICE.				
Bamboo or pole, 30 feet long, fitted with sheave at upper end, and cleat at lower ...	1	Per Battery ...	...	Ditto.
Cloth, doosootee, for ball ...	15	Feet per pole per Battery ...	...	Ditto.
Rope, Europe, 1½ inches, fathoms...	25	Per pole per Battery ...	...	Ditto.
Rope, cotton, for halyards, ditto ...	10	Ditto	...	Ditto.

FORM No. 157—Ordnance—*continued.*

ARTICLES.	PROPORTION ALLOWED BY REGULATION.		SURPLUS TO BE KEPT BY REGIMENTS.	
FIRE ENGINES AND THEIR APPURTENANCES.				
Buckets, fire, rattan, covered with leather ...	6	Per fire engine ...	...	As many as are necessary with reference to the difficulty of obtaining water.
Buckets, teak wood of 8 or more gallons ...	2	Ditto	...	None.
Buckets, wooden ...	20	Per Company, barrack having thatched roofs and water tanks ...	...	Ditto.
Engines, fire, water, ordnance ...	1	Per European Regiment, Cavalry or Infantry ...	1	Per large station.
Ditto ditto, ditto ...	1	Per Troop or Battery of Artillery having thatched stables ...	...	None.
Ditto ditto, ditto ...	1	Per European Regiment of Cavalry having thatched stables extra ...	...	Ditto.
Ditto ditto, ditto ...	1	Per out-station where British Troops are located in thatched barracks ...	...	Ditto.
Ditto ditto, ditto ...	1	Per Division of Artillery consisting of 2 or more Batteries at one station irrespective of material with which the stables are roofed .	...	Ditto.
Fire hooks ...	6	Per fire engine ...	6	For spare engine.
Hatchets ...	4	Ditto ...	4	Ditto.
Hose, leather (in four lengths, 25 feet each) lengths ...	4	Ditto ...	4	Ditto.
Ladders, bamboo	8	Per fire engine for tiled barracks ..	1 or 2	For each building.
	16	Per fire engine for thatched barracks		
Ladders, rope ...	1	For 30 running feet of thatched roof	...	None.
Rope, with hooks at the end ...	2	Per 20 buckets for Barracks with thatched roofs ...	...	Ditto.
Ropes, drag, field	1	Pair per fire engine in use ...	...	Ditto.
Rope in lengths of 60 feet ...	1	Per pair of buckets per engine ...	...	Ditto.
Saws, hand ...	4	Per fire engine ...	4	Per spare engine.
Suction pipes ...	2	Ditto ...	2	Ditto.
Wrench (hose coupling) ...	1	Per fire engine in use ..	...	Officers in charge of fire engines should retain on hand the following spare articles per engine, the tools for repairs being generally in possession of Bazar workmen:— Rivets per hose . 100; Washers per do .. 25; Hide, Buffalo .; Wrench hammer ..; Oil can to hold pint
GARDENING IMPLEMENTS.				
Hoes ...	5	Per Troop or Company, or in that proportion for number of men using them ...	...	None.
Rakes ...	3			
Spades ...	24			
Watering pots ...	4			

FORM No. 157—Ordnance—*continued.*

ARTICLES.	PROPORTION ALLOWED BY REGULATION.		SURPLUS TO BE KEPT BY REGIMENTS.	
GARDENING IMPLEMENTS—*continued*				
Wheelbarrows, Soldiers' gardens...	3 6	Per Troop or Company ... Per Field Battery of Royal Artillery.		This scale is the maximum number allowed, but Commanding Officers are only to indent for the number actually required.
ARTICLES FOR GENERAL STATION PURPOSES.				
Flag, union, 12×18 feet, with halyards ...	1	Per Divisional Head Quarters, Brigadier General Commanding District, or Station and each Fort ...	...	None.
Flags for Fort William—				
1 Flag, Union, 12×8 ...	...			
1 ditto 18×12 ...	...			
1 ditto 24×18 ...	...			
1 Royal Standard ...	...			
Gong ...	1	Per Garrison Guard where necessary	...	Ditto.
Glasses, hour ...	2	Ditto ditto ...	...	Ditto.
Grass-pickers (for hill stations only)	6	Per Company, and in proportion for Depôts ...	...	Ditto.
Hearses ...	1	For each European Cavalry or Infantry Regiment, or Wing of Regiment, or Depôt of Strength equal to a Wing ...	...	Ditto.
Handcuffs ...	6 sets	Per Garrison Guard where necessary	...	Ditto.
Leg-irons ...	2 „	Ditto ditto ...	...	Ditto.

	PROPORTION ALLOWED BY REGULATION.				SURPLUS TO BE KEPT BY REGIMENTS.	
		Brigade of Artillery.	Per Regiment of Cavalry.	Annual Allowance to a Regiment of European Cavalry in India after first equipment.		
RIDING SCHOOL FURNITURE.						
Lances, practice ...	...	...	24	2	...	None.
Lance foils ...	...	12	24	4	...	Ditto.
Sticks with baskets ...	...	...	24	10	...	Ditto.
Gloves, fencing, pairs ...	...	...	24	6 right hand	...	Ditto.
Masks, wire, face ...	...	...	24	4		Ditto.
Pad for breast ...	...	...	24	8	...	Ditto.
Masks for head ..	...	...	24	6	...	Ditto.
Fencing foils ...	...	...	24	18	...	Ditto.
Fencing jackets ...	...	...	24	8	...	Ditto.
Practice swords ...	...	15 per Battery of Horse Artillery, 20 per Battery of Foot Artillery ...	60	...	...	Ditto.
Spare blades ...	...	...	...	80	...	Ditto.

FORM No. 157—Ordnance—*continued.*

ARTICLES.	PROPORTION ALLOWED BY REGULATION.		SURPLUS TO BE KEPT BY REGIMENTS.
SOLDIER'S NECESSARIES.			
Padlocks and keys for Soldiers' kit boxes ...	1	Per kit box in use ...	... None.
REGIMENTAL VOLUNTARY WORKSHOPS.			
Heavy tools { Anvils ...	...	According to requirements ...	... Ditto.
Bellows ...	...		
Vices, standing	...		
ARMY SIGNALLING.			
Flags, Black 4′ × 2′, 6 ...	4	Per Regiment of British Cavalry or Infantry ...	... Ditto.
„ White 4′ × 2′, 6 ...	4		
„ Black and White 4′ × 2′, 6	4		
Handles for Flags 8′ long ...	12		
FIXTURES FOR SHOEING SHEDS.			
Anvils 2½ cwt. ...	2	Per Regiment of European Cavalry where regular shoeing sheds have been authorized by Government ...	... Ditto.
Bellows, Smith, Europe, large ...	2		
Hammers, hand, from 2 to 3 lbs....	4		
„ sledge medium, 7 lbs. ...	4		
Forge, fire, large sizes, pairs ...	4		
Tongs, shoe turning ...	8		
Stamps, horse shoe ...	6		
Pritchels ...	12		
Pokers, 3 feet long ...	2		
Shovels ...	2		
Vices, medium 70 lbs. ...	2		

LIST OF FENCING MATERIALS FOR REGIMENTS OF BRITISH CAVALRY SERVING IN INDIA.

ARTICLES.	CAVALRY. Allowance.	CAVALRY. Annual supply.	ARTICLES.	CAVALRY. Allowance.	CAVALRY. Annual supply.
Practice swords ...	60	...	Pads ... { body aprons ...	2	1
Foils, pairs ...	24	4	leg „ ...	4	1
Spare blades ...	60	60	Plastrons ...	4	1
Gloves, right hand ...	24	12	Single sticks with guards ...	12	...
„ left hand ...	6	3	Practice swords (Wilkinson's) ...	6	2
Gymnastic shoes, sizes ...	36	18	Sticks with iron hilts ...	12	3
Helmets ...	12	2	Masks for horses ...	4	...
Jackets, whole ...	6	1	Spring practice Lances ...	12	6
„ half ...	18	3	Lead cutters ...	2	...
Masks, fencing ...	24	4	Arm gauntlet ...	2	1
Muskets (with spring bayonet) ...	2	...	Mould for casting lead ...	1	...

FORM No. 157—(Ordnance) —*continued.*

LIST OF MOVABLE APPARATUS AND STORES FOR GYMNASIA TO BE SUPPLIED BY THE ORDNANCE DEPARTMENT.

Movable Apparatus and Stores.	1st Class Experimental Gymnasia.		2nd Class Experimental Gymnasia.		Regimental Gymnasia.		Remarks.
	1st Issue.	Annual Supply	1st Issue.	Annual Supply.	1st Issue.	Annual Supply.	
Dumb Bells, pairs ... 10 lbs. ...	8	...	4	...	2	...	
12 „ ...	8	...	4	...	2	...	
14 „ ...	8	...	8	...	4	...	
16 „ ...	20	...	16	...	4	...	
18 „ ...	20	...	20	...	4	...	
20 „ ...	20	...	12	...	4	...	
22 „ ...	8	...	...	...	2	...	
24 „ ...	8	...	8	...	2	...	
28 „ ...	4	...	...	...	1	...	
30 „ ...	4	...	4	...	...	...	
32 „ ...	4	...	...	...	...	...	
36 „ ...	4	...	4	...	...	...	
40 „ ...	4	...	...	...	...	...	
Bar Bells ... 10 lbs. ...	4	...	4	...	2	...	
12 „ ...	6	...	6	...	4	...	
16 „ ...	12	...	8	...	6	...	
18 „ ...	12	...	8	...	6	...	
20 „ ...	4	...	4	...	2	...	
22 „ ...	2	...	2	...	2	...	
24 „ ...	2	...	2	...	1	...	
28 „ ...	2	...	2	...	1	...	
30 „ ...	2	...	2	...	1	...	
36 „ ...	2	...	2	...	...	...	
40 „ ...	2	...	...	...	...	...	
Fencing Stores.							
Standard for height ...	1	...	1	...	1	...	
Weighing Machine ...	1	...	1	..	1	...	
Belts ... Small ...	50	10	40	8	20	5	
Medium ...	100	20	80	16	35	10	
Large ...	50	10	40	8	20	5	
Shoes ... Size 7 ...	35	20	25	15	15	4	
„ 8 ...	75	35	65	25	20	5	
„ 9 ...	65	35	45	20	30	8	
„ 10 ...	25	10	15	5	10	3	
Foils, pairs	25	5	20	5	6	1	
Blades, spare	50	25	40	20	12	6	
Masks	12	3	10	2	4	1	
Gloves, right hand ...	25	12	20	10	6	2	
Do. left hand ...	6	3	6	3	2	1	
Jackets, buff	12	3	10	2	2	1	
Do. half	12	3	10	2	6	1	
Pads ... Breast ...	4	2	3	1	1	1	
Body ..	4	2	3	1	2	1	
Leg .	4	2	3	1	2	1	
Sticks with guards ...	12	2	10	2	4	1	
Do. without guards ...	...	12	...	10	...	4	
Helmets	6	1	5	1	2	1	
Muskets, spring B. ...	4	1	3	1	2	1	
Lances, spring P. ...	4	2	3	1	1	1	
Swords, Wilkinson's ...	4	1	3	1	2	1	
Arm Gauntlets	2	1	1	1	1	1	
Lead Cutter	1	...	1	...	1	...	
Mould for casting lead ...	1	...	1	...	1	...	
Drawers, Instructor's ...	1 pair 1st issue and 2 pairs annually for each Instructor.				6	6*	* Provided the Regiment has complement of Instructors.

FORM No. 157—Ordnance—*concluded.*

LIST OF STORES FOR THE EQUIPMENT OF A BATTALION OF INFANTRY FOR INSTRUCTION IN ARMY SIGNALLING.

Names of Articles.		Number or quantity in a set for 1 Battalion	4 Battalions.
Books, Signal, Army	No.	4	16
„ Message W. O. E. 119 ...	„	4	16
„ Instructional in signalling	„	4	16
Belts, Waist, leather ..	„	2	8
Cans, oil, 1 gallon	„	1	4
„ Tin feeding, oil, approved pattern ..	„	2	8
Lamps, signalling, oil, ditto ..	„	2	8
Telescopes, 3″ draw, R. E. pattern, with case and sling	„	2	8
Binoculars, Field, R. E. pattern, with case and strap	„	2	8
Flags, 4′ 0″ × 4′ 0, with pole ...	Sets.	2	8
„ 2″ 6 × 2″ 6 „ ...	„	4	16
Fog horns	No.	2	8
Scissors, lamp	Pairs.	2	8
Wheels, cypher, Bolton's	„	2	8
Oils, Colza	Gallons.	1	4
Wick, flat, ¾″	Yds.	2	8
Waste Cotton	lbs.	1	4
Case, leather, to fit on Waist-belt: For feeding can ...	No.	2	8
Case, leather, to fit on Waist-belt: „ Book ..	„	2	8

No. 304 *of* 1872.—The under-mentioned Officers and Warrant Officer have reported their return from England :—

Lieutenant Colonel J. F. Stafford, of the Bengal Staff Corps, Commandant, 19th (Punjab) Regiment of Native Infantry; Major (Brevet Lieutenant Colonel) T. E. Gordon, of the Bengal Staff Corps, and Major J. W. Orchard, of the Bengal Staff Corps, District Superintendent of Police, Punjab,—date of arrival at Bombay, 1st March 1872.

Apothecary T. Lyons, of the Subordinate Medical Department,—date of arrival at Bombay, 2nd March 1872.

Major R. S. Graves, of the Bengal Staff Corps, Sub-Assistant Commissary General,—date of arrival at Bombay, 4th March 1872.

No. 305 *of* 1872.—The under-mentioned Officer of the Staff Corps having completed five years' service as substantive Lieutenant Colonel, is promoted to the rank of Colonel by Brevet, from the date specified, under the operation of the Royal Warrant dated 16th January 1861, Clause 2, subject to Her Majesty's approval :—

Lieutenant Colonel St. John O'Neill Muter, Bombay Staff Corps,—18th March 1872.

No. 306 *of* 1872.—The under-mentioned Officer of the Bengal Staff Corps having completed 20 years' service, is promoted to the rank of Major, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Captain Charles Kenneth Mackenzie Walter,—20th March 1872.

No. 307 *of* 1872.—The following promotion is made from the date specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.—*To be Captain.*

Lieutenant Frederic Wood Macmullen, General List, Cavalry,—20th March 1872.

No. 308 *of* 1872.—Major (Brevet Lieutenant Colonel) T. E. Gordon, of the Bengal Staff Corps, is allowed an extension of furlough to the 1st March 1872, the date on which he reported his return to Bengal from furlough on private affairs to Europe.

No. 309 *of* 1872.—Under the provisions of the Royal Warrant of the 21st December 1871, and in consequence of the death of Major General W. F. Beatson, Bengal Infantry, on the 4th February 1872, the name of Colonel T. Stock, Bombay Staff Corps, is placed on the list of Major Generals.

The name of the under-mentioned Officer is placed on the gradation list of Lieutenant Colonels :—

Major G. R. F. Bardin, Madras Staff Corps.

No. 310 *of* 1872.—The following promotion is made, subject to Her Majesty's approval :—

BREVET.

RANK AND NAME.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN SUCCESSION TO
Captain Robert Cunliffe Low, Bengal Cavalry	Major ...	February 5, 1872	Major Genl. W. F. Beatson, Bengal Infantry, deceased

No. 311 *of* 1872.—The services of Major (Brevet Lieutenant Colonel) T. E. Gordon, of the Bengal Staff Corps, are placed temporarily at the disposal of the Foreign Department.

No. 312 *of* 1872.—The following orders issued by the Government of Bombay are confirmed :—

Granting furlough to Europe on private affairs to the under-mentioned Officers—

No. 162, *dated* 29*th February* 1872.—Lieutenant Colonel Alexander Thomas Armstrong, of the Bengal Staff Corps, 2nd in Command and Squadron Officer, 10th Bengal Cavalry (Lancers),—for two years, under the Regulations of 1868;

No. 163, *dated* 29*th February* 1872.—Major James Graham, of the Bengal Staff Corps, Deputy Assistant Commissary General,—for two years, under the Regulations of 1868;

and

Granting furlough to Europe on medical certificate to the under-mentioned Officer—

No. 169, *dated* 4*th March* 1872.—Captain Donald Darroch, of the Bengal Staff Corps,—for one year, under the Regulations of 1868.

No. 313 *of* 1872.—The services of Surgeon H. M. Greenhow are placed at the disposal of the Foreign Department.

No. 314 *of* 1872.—The services of Captain F. W. Crohan, of the General List, Infantry, attached to the Coolie Corps with the Right or Chittagong Column, Looshai Expeditionary Force, are placed at the disposal of His Excellency the Commander-in-Chief from the 1st April next.

No. 315 *of* 1872.—The under-mentioned Officers have reported their departure for Europe on the dates specified :—

Lieutenant Colonel J. S. Trevor, of the Royal Engineers, G. G. O. No. 142 of 1872,—per *Delhie*, 16th February 1872.

Major (Brevet Lieutenant Colonel) O. Wilkinson, of the late 4th European Light Cavalry, G. G. O. Nos. 922 of 1871 and 197 of 1872; Major F. H. Inglefield, of the Bengal Staff Corps, G. G. O. No. 163 of 1872; Captain (Brevet Major) M. M. Prendergast, of the Bengal Staff Corps, G. G. O. No. 150 of 1872; and Captain A. W. J. Montgomerie, of the 20th Hussars, G. G. O. No. 1147 of 1872,—per *Sumatra*, 11th March 1872.

No. 316 *of* 1872.—First Class Veterinary Surgeon J. S. Woods, of the Stud Department, attached to the Poosah Stud Depôt, is allowed leave of absence for 15 days from such date as he may avail himself of it, to visit Bombay, preparatory to proceeding on furlough to Europe on private affairs under the Regulations of 1868.

No. 317 *of* 1872.—The under-mentioned Officer is allowed furlough to Europe on medical certificate :—

Lieutenant Colonel (Brevet Colonel) Francis Justin Nelson, of the Bengal Staff Corps, Commandant, 7th Regiment of Native Infantry,—for two years, under the Regulations of 1868.

The 22*nd March* 1872.

No. 318 *of* 1872.—His Excellency the Viceroy and Governor General of India has been pleased to make the following appointment on His Lordship's Personal Staff, with effect from the 5th instant :—

Captain F. H. Gregory, Extra Aide-de-Camp, to be Aide-de-Camp, *vice* Captain H. B. Lockwood, who ceased to be borne on His Excellency's Staff from that date.

No. 319 *of* 1872.—The services of Lieutenant J. Burne, of the Bengal Staff Corps, 2nd Wing Subaltern, 2nd Sikh Infantry, Punjab Frontier Force, are placed temporarily at the disposal of the Hon'ble the Lieutenant Governor of the Punjab, for employment on His Honor's Personal Staff as Aide-de-Camp, with effect from the 1st February 1872.

No. 320 *of* 1872.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain Henry Montgomery Barton Burlton, of the Bengal Staff Corps, Assistant Cantonment Magistrate, Morar,—for two years, under the Regulations of 1868, embarking at Bombay.

Captain Frederick Schomberg Carr, of the General List, Infantry, Adjutant, 5th Punjab Cavalry, Punjab Frontier Force,—for two years, under the Regulations of 1868, embarking at Bombay.

No. 321 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment :—

EAST INDIAN RAILWAY VOLUNTEER RIFLE CORPS,—*Howrah Company No.* 9.

Mr. George Langham, to be Ensign, *vice* Ensign H. Hunter, whose name is removed from the rolls of the Corps.

No. 322 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on urgent private affairs :—

Lieutenant Colonel Frederick Henry Smith, of the Bengal Staff Corps, Commandant, 18th Bengal Cavalry,—for six months, under Rule XI of the Regulations of 1868, embarking at Bombay.

No. 323 *of* 1872.—The following Order issued by the Government of Bombay is confirmed :—

No. 164, *dated* 29*th February* 1872.—Granting furlough to Europe on private affairs to the under-mentioned Officer :—

Lieutenant George Tomkyns Morris, of the Bengal Staff Corps, 2nd Squadron Subaltern, 3rd Bengal Cavalry,—for two years, under the Regulations of 1868.

H. K. BURNE, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 16*th March* 1872.

No. 158.—Captain E. Swetenham, Staff Corps, Executive Engineer, 1st Grade, Central India, is transferred to British Burmah.

The 18*th March* 1872.

No. 159.—Mr. H. Prince, Executive Engineer, 1st Grade, British Burmah, is, on return from furlough, transferred to the North-Western Provinces, Buildings and Roads Branch.

No. 160.—Mr. G. Knight is appointed to the Public Works Department, temporarily, as a Sub-Engineer of the 2nd Grade, and posted to the Agra District of the Rajpootana State Railway.

The 19*th March* 1872.

No. 161.—The under-mentioned Royal Engineer Officers are appointed to the Public Works Department as Assistant Engineers, 2nd Grade, and posted as follows :—

Lieutenant D. A. Johnstone, to the North-Western Provinces, Irrigation Branch.
Lieutenant H. A. Yorke, to the Indus Valley (State) Railway.
Lieutenant F. T. N. Spratt, to the Punjab, Buildings and Roads Branch.
Lieutenant J. F. Garwood, to the North-Western Provinces, Buildings and Roads Branch.
Lieutenant A. Porcelli, to Hyderabad.

No. 162.—Lieutenant T. O. Wingate, 1-21st Fusiliers, is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade and posted to the North-Western Provinces in the Buildings and Roads Branch.

The 20*th March* 1872.

No. 163.—Mr. H. Prince, Executive Engineer, 1st Grade, British Burmah, was allowed leave without pay for the period from 10th August 1871 to 11th March 1872 inclusive, in extension of the furlough granted him in Notification No. 182, dated 12th May 1870.

No. 164.—Ensign J. Clibborn, Her Majesty's 62nd Foot, a candidate for the Bengal Staff Corps, is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade and posted to Oudh.

No. 165.—Mr. J. Bennett, Executive Engineer, 1st Grade, Port Blair, is allowed fifteen months' leave to Europe on medical certificate, also six weeks' preparatory leave from 1st March, on which date he made over charge of the Division to Sergeant W. Causley, Supervisor, 1st Grade.

No. 166.—Mr. T. Moss, Controller of Public Works Accounts, British Burmah, is allowed three months' privilege leave of absence, with effect from 10th March 1872.

No. 167.—Moung Moe, Supervisor, 2nd Grade, is transferred from Port Blair to British Burmah.

The 21st March 1872.

No. 168.—Mr. N. A. Graydon is appointed to the Public Works Department as an Assistant Engineer of the 1st Grade and posted to Oudh.

No. 169.—Mr. A. Adams, Assistant Engineer, 2nd Grade, Punjab, is removed from the Public Works Department.

No. 170.—The following General Order of the Military Department regarding the arrangements for the performance of the work hitherto devolving on the Barrack Department, is published for information and guidance in the Public Works Department.

2. Pending the publication of the Public Works Divisions to be organized under the Inspector General of Military Works, the Barrack Masters and Barrack Sergeants will report themselves to the Executive Engineers at present in charge of their respective stations.

Fort William, the 21st March 1872

No. 303 *of* 1872.—The Right Hon'ble the Governor General in Council is pleased to notify that the following arrangements for the performance of the work hitherto devolving on the Barrack Department will have effect from the 1st April 1872 :—

(1).—European and Native Regiments will henceforth obtain accommodation or stores on requisition signed by Officers Commanding, from the Ordnance, Public Works, and Commissariat Departments directly, without the intervention of a distinct Barrack Department, which is abolished; and Barrack Masters, and the Establishment, will from the 1st April be under the control of the Executive Engineer to whom they are to report themselves for orders.

(2).—The duties of the late Barrack Department will be distributed as follows :—

TO THE ORDNANCE DEPARTMENT.

The supply of all Ordnance Stores as shown in subjoined Table No. 157.

TO THE PUBLIC WORKS DEPARTMENT.

(*a*).—The custody and repair of all barrack and hospital buildings.

(*b*).—The allotment of quarters according to regulation.

(*c*).—The supply and repair of all barrack and hospital furniture and fixtures, as specified in Tables (Nos. 147 and 148 *Public Works*) subjoined.

TO THE COMMISSARIAT DEPARTMENT.

The supply of all petty and miscellaneous stores as detailed in Tables (Nos. 147 and 148 *Commissariat*) subjoined.

TO REGIMENTS.

The supply, management, and payment of all Regimental Establishments, *viz.*, punkah-pullers, bheesties, sweepers, &c., &c. The assistance of the Commissariat Department will be given when necessary.

ISSUE OF SUPPLIES.

(3).—Ordnance Stores will be issued under the regulations now in force in that Department.

(4).—Local Executive Heads of the Public Works and Commissariat Departments are authorised to comply with requisitions signed by Commanding Officers for quarters, accommodation, barrack and hospital furniture, and fixtures and stores within the limits assigned by regulations, *vide* Tables Nos. 147, 148 and 157.

(5).—If a requisition for articles not authorised, or in excess of regulation, be received by a Local Executive Officer, he will inform the Officer demanding that there is no authority for the supply, and state, on the requisition, the approximate cost of compliance. If the articles are still desired, the requisition will be submitted by the Officer Commanding the Station for the sanction of Government through the prescribed channels; but in cases of great emergency, he will use the discretionary powers vested in him as Commanding Officer, and direct the requisition to be complied with, submitting the Station Order for the confirmation of Government.

CUSTODY OF, AND DAMAGES TO, BARRACKS AND FURNITURE.

(6).—Executive Engineers will nominate in each occupied Station one Subordinate to the charge of the share of barrack duties belonging to the Public Works Department, as defined in Clause 2, either distinctively or in addition to other occupations.

(7).—It will be the duty of the Subordinate so appointed to inspect monthly, as well as on the occasion of a Regiment leaving a Station, all buildings and barrack and hospital furniture in conjunction with the Quarter Master of the Regiment in occupation, or in hospitals, with the Medical Officer in charge; and he will then assess all damages done by the troops to buildings or furniture in their charge.

(8).—All damages so assessed will, when signed by the Local Executive Engineer, be forthwith paid, or accepted for payment, by Commanding Officers; but Officers Commanding may, after paying a damage assessment, appeal through the Officer Commanding the Station to the Superintending Engineer of the Circle, who will endeavour to settle the matter; but should he fail to do so, that Officer will himself lay the case, with a recommendation, before the General Commanding the Division or District, whose decision, if he concurs with the recommendation made, is final.

Should the General not concur with the recommendation, the question will be submitted by him through the Quarter Master General for submission to His Excellency the Commander-in-Chief and for the orders of Government.

(9).—New furniture is to be made in accordance with approved standard patterns. On receipt of each requisition for furniture the supplying department will note thereon the estimated cost of each article and return it to the indenting Officer, so that he may understand and accept the responsibility for the cost of the requisition, which will then be complied with, if in all respects conformable to the regulations. Executive Engineers are responsible for the quality of all furniture supplied, either new or when repaired, and it will not be necessary to assemble a Committee, except when disputes regarding quality or description arise on the occasion of *an issue to a Regiment*. Should any such dispute occur, a Station Committee will be convened by the Officer Commanding to report on the matter, and their proceedings will be forwarded by the President, through the Officer Commanding, to the Superintending Engineer of the Circle, who will lay the question before the General Commanding for decision, in the same manner and under the same limitations as prescribed for barrack damages.

(10).—A Regiment or Detachment will, before leaving a Station, make over all buildings and barrack and hospital furniture in its charge to the Subordinate of the Public Works Department appointed by the Executive Engineer to the charge of barrack duties, who will give to the Regiment the usual vouchers for the same. The vouchers should specify any loss or damage that may have occurred, in order to recovery under Clause 8 of these rules.

CARE OF STORES RECEIVED FROM THE ORDNANCE DEPARTMENT.

(11).—Executive Engineers are responsible for seeing that requisitions by Commanding Officers for renewals of furniture are supported by the opinion of a Station Committee condemning the articles required to be replaced.

(12).—All Ordnance Stores enumerated in Table No. 157 will be shown, as at present, in the half-yearly returns transmitted to the Examiner, Ordnance Accounts.

(13).—When a Regiment or Detachment is relieved by another, the relieved Corps will make over all articles belonging to the Ordnance Department to the relieving Corps, taking receipts (which shall show the condition of each kind of article) in duplicate; one of these receipts will be retained by the relieved Corps, and the other sent at once by the Officer Commanding to the Examiner, Ordnance Accounts.

(14).—If any dispute arise between the relieved and relieving Corps regarding the articles so handed over, a Station Committee will be assembled to report; and their proceedings will be forwarded by the President, through the Officer Commanding the Station, to the Inspector General of Ordnance, who will deal with the matter according to the rules of the Ordnance Department in such cases.

(15.)—In the event of a Regiment leaving a Station before being relieved, the Ordnance Stores shown in Table No. 157, after survey by a Station Committee, will be collected in convenient stores or rooms which can be properly secured. The proceedings of the Committee, together with the keys of the store-rooms, will be made over to the Subordinate of the Public Works Department named by the Executive Engineer, with an inventory of the articles left, which will be verified by an Officer of the out-going Regiment in the presence of the representative of the Public Works Department. The proceedings of the Committee and the articles will be handed over to the in-coming Regiment on arrival, and should any dispute arise, the course laid down in Clause 14 will be followed.

CARE OF SUPPLIES RECEIVED BY REGIMENTS FROM THE COMMISSARIAT DEPARTMENT.

(16).—All articles received from the Commissariat Department by Batteries, Corps and Detachments will be shown in half-yearly returns by Officers Commanding, the date of receipt and present condition of each description of article being given. These returns will be forwarded on 1st January and 1st July in each year to the Local Executive Head of the Commissariat Department, for examination, and for transmission to the Examiner of Commissariat Accounts.

(17).—If a Battery, Regiment or Detachment be replaced by another, the relieved Corps will make over all articles belonging to the Commissariat Department, not required by regulation to accompany it, to the relieving Regiment, taking receipts (which shall show the condition of each kind of articles) in duplicate; one of these receipts will be retained by the relieved Corps, and the other sent at once by the Officer Commanding to the Local Executive Head of the Commissariat Department.

(18).—If any dispute arise between the relieved and relieving Corps regarding the quality or condition of articles so handed over, a Station Committee will be assembled to report, and their proceedings will be forwarded by the President, through the Officer Commanding the Station, to the Deputy Commissary General of the Circle, who will act as prescribed for a Superintending Engineer in like cases, *vide* Clause 8 of this order.

(19).—If a Regiment leave a Station without being relieved, all Commissariat Stores after survey by a Station Committee will be made over by the Regiment to the representative of the Commissariat Department at the Station, receipts in duplicate being obtained and transmitted as ordered above.

RESPONSIBILITY OF REGIMENTS.

(20).—Regiments are responsible for all buildings, hospital and barrack furniture and stores in their charge until relieved by the receipt of the Local Officers of the Departments concerned.

MANAGEMENT AND CARE OF REGIMENTAL GARDENS AND AMUSEMENTS.

(21).—All questions regarding Canteens, Theatres, Gardens, Amusements, will be controlled regimentally under existing regulations, references on the subject being made to Army Head Quarters in the Department to which they appertain.

(22).—All stores, implements, and furniture received from either the Ordnance, Public Works, or Commissariat Department for such purposes, will, on the occasion of a Regiment leaving a Station, be dealt with according to the rules respectively laid down for their management in this order.

(23).—In the case of a Regiment leaving a Station before being relieved, all regimental property requiring to be transferred to a relieving Corps will be collected by the regimental authorities in convenient rooms or buildings which can be properly secured. The keys will then be made over to the appointed Subordinate of the Public Works Department, with an inventory which will be verified by an Officer of the out-going Regiment in the presence of the representative of the Public Works Department, who will on the arrival of the in-coming Regiment hand over in like manner the property to it.

ARTICLES FOR GENERAL STATION PURPOSES.

(24).—Articles for general Station purposes are to be obtained and taken care of by the Public Works Department.

INSPECTIONS BY OFFICERS OF THE QUARTER MASTER GENERAL'S DEPARTMENT.

(25).—Officers of the Quarter Master General's Department will make their inspections as at present, or under such further regulations as His Excellency the Commander-in-Chief may establish.

(26).—The provisions of this General Order apply, for the present, to the Bengal Presidency only.

N. B.—The tables referred to in the above will be found with the General Order published by the Military Department

No. 171.—The Governor General in Council is pleased to make the following appointments and promotions in the Accounts Branch of the Public Works Department, in connection with revised arrangements for the audit of the accounts of Guaranteed Railways, with effect from the 1st April 1872 :—

To be Examiner of Guaranteed Railway Accounts to the Government of India, with the rank of Controller, 2nd Class, 1st Grade.

Captain L. Conway-Gordon, R. E., Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Lahore

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To be Examiner of Guaranteed Railway Accounts to the Government of India at Lahore, with the rank of Controller, 2nd Class, 3rd Grade.

Mr. W. B. Farr, Controller, 2nd Class, 4th Grade, Government Examiner of Railway Accounts, Calcutta.

To be Examiner of Guaranteed Railway Accounts to the Government of India at Madras, with the rank of Controller, 2nd Class, 3rd Grade.

Captain C. M. Moberly, Madras Staff Corps, Controller, 2nd Class, 4th Grade, Government Examiner of Railway Accounts at Madras.

To be Examiner of Guaranteed Railway Accounts to the Government of India at Bombay, with the rank of Controller, 2nd Class, 3rd Grade.

Lieutenant R. A. Sargeaunt, R. E., Controller, 2nd Class, 4th Grade, Officiating Government Examiner of Railway Accounts, Bombay.

Mr. R. G. Macdonald, Auditor, Oudh and Rohilkund Railway Accounts, with local and temporary rank of a Controller, 2nd Class, 4th Grade, to rank as a Controller, 2nd Class, 3rd Grade (Supernumerary).

To be Assistant Examiner of Guaranteed Railway Accounts to the Government of India at Calcutta, with the rank of Deputy Controller.

Mr. W. G. Bayly, B. A., Deputy Controller, Bengal.

To be Assistant Examiner of Guaranteed Railway Accounts to the Government of India at Bombay, with the rank of Deputy Controller.

Mr. R. K. Williams, Accountant, 1st Grade, Bombay.

To be Assistant Examiner of Guaranteed Railway Accounts to the Government of India at Kurrachee, with the rank of Assistant Controller, 1st Grade.

Mr. F. Morrison, Assistant Controller, 2nd Grade.

To be Assistant Examiner of Guaranteed Railway Accounts to the Government of India at Madras, with rank of Assistant Controller, 2nd Grade.

Mr. S. M. Johnson, Assistant Controller, 2nd Grade.

The 22nd March 1872.

No. 172.—In continuation of Public Works Department Notification No. 371 of the 3rd October 1871, Captain A. LeMesurier, Royal (late Bombay) Engineers, Executive Engineer, 1st Grade, has been appointed Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Kurrachee.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 23, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

BANK OF BENGAL.

NOTICE.

Calcutta, the 18th March 1872.

Notice is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office will be closed on Monday, the 25th instant, on account of the Hindoo festival "Dole Jattra," in conformity with Government Notification No. 3464 of the 29th October 1867.

The 20th March 1872.

Notice is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office will be closed on the following days :—

On Good Friday, the 29th, and Saturday, the 30th, instant, in conformity with Government Notification No. 3464 of the 29th October 1867.

By order of the Directors,

GEO. DICKSON,

Secretary and Treasurer.

TOPOGRAPHICAL SURVEY DEPARTMENT.

NOTIFICATION.

Calcutta, the 15th March 1872.

The remaining portion of the leave granted to Mr. G. A. McGill, Surveyor, 2nd Grade, notified in the *Gazette of India*, dated the 20th October last, is cancelled from 1st March.

Mr. McGill will, as a temporary measure, do duty at the Head Quarter's Office, Calcutta, until further orders.

H. L. THUILLIER, *Colonel,*

Surveyor General of India.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
March 11th, 1872 ...	...	3,89,945	6,21,127	4,63,965	92,76,487
„ 12th „ ...	2,13,334	3,99,212	4,19,938	4,80,574	96,76,487
„ 13th „ ...	16,02,666	1,60,556	18,55,917	2,49,429	1,00,76,487
„ 14th „ ...	5,05,000	..	23,60,917	44,488	1,02,76,487
„ 15th „ ...	...	25,177	23,34,666	70,568	1,02,76,487
„ 16th „ ...	...	1,190	23,33,487	99,053	1,02,76,487

CALCUTTA MINT,
The 18th March 1872.

H. HYDE, *Lieut.-Colonel,*
Mint Master.

Statement of Transactions of District Savings Banks for the week ending 21st March 1872.

PROVINCE.	Number of Banks open.	DEPOSITS.					WITHDRAWALS.						BALANCE.		
		No.	Amount.				No.	Amount, Principal.			Amount, Interest.				
			Rs.	A.	P.			Rs.	A.	P.	Rs.	A. P.	Rs.	A.	P.
Bengal	45	62	5,440	3	7		24	4,829	7	9	35	4 7	1,97,512	11	8
N. W. Provinces ...	13	32	1,604	0	0		7	1,556	12	0	11	4 6	62,700	8	10
Punjab	13	7	675	0	0		5	507	0	6	0	0 11	50,165	11	8
Oude	6	6	704	0	0		1	270	0	0	...		19,967	2	1
Central Provinces ...	4	2	105	0	0		3	583	0	0	...		34,967	15	6
British Burmah ...	6	39	1,310	0	0		3	40	4	6	0	7 6	9,414	14	11
Berar	2	1	10	0	0		3	485	0	0	4	13 2	10,168	7	1
India	3	20	1,220	5	3		5	810	14	0	0	8 0	17,521	1	8
TOTAL ...	92	169	11,068	8	10		51	9,082	6	9	52	6 8	4,02,418	9	5

CALCUTTA,
The 21st March 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 19th March 1872.

LIABILITIES.			Rs.	A.	P.
Proprietors' Capital, paid-up ...			2,20,00,000	0	0
Reserve Fund			15,38,456	1	8
	Rs.	A. P.			
General Treasury Balance at Head Office	3,72,19,337	14 5	5,68,64,796	8	1
General Treasury Balance at Branches ..	1,96,45,458	9 8			
Other Deposits at Head Office and Branches			1,95,41,420	8	10
Bank Post Bills, &c.			9,71,349	8	5
Sundries			9,16,282	13	11
TOTAL ...			10,18,32,305	8	11

ASSETS.			Rs.	A.	P.
Government Securities ...			88,42,233	4	0
Loans on Government Securities at Head Office and Branches ...			72,74,717	10	5
Accounts of Credit on Government Securities at Head Office and Branches			1,59,29,860	1	0
Mercantile Bills discounted at Head Office and Branches ...			1,92,88,406	13	1
Dead Stock			11,89,105	13	1
Stamps			13,198	15	0
Balances with other Banks ...			6,44,876	7	4
Sundries			1,45,029	13	8
			5,33,27,428	13	7
	Rs.	A. P.			
Cash and Currency Notes at Head Office	1,46,87,873	10 9	4,85,04,876	11	4
Cash and Currency Notes at Branches	3,38,17,003	0 7			
TOTAL ...			10,18,32,305	8	11

By order of the Directors,

BANK OF BENGAL;
Calcutta, 21st March 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th March 1872.

PARTICULARS.	3½ PER CENT LOAN OF 1853-54.	4 PER CENT LOAN of 1824-25	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.	4½ PER CENT. of 1856-57.	Transfer Loan dated 15th July 1870.	Loan dated 4th July 1871.	Transfer Loan of 1872.	5 PER CENT. P. W. of 1854-55.	Loan of 1858-57.	5½ PER CENT. Loan of 1859-60.	DEBENTURES FOR 5 years @ 5 per cent. Repayable June 1872	10 years @ 5 per cent. Repayable June 1877.	15 years @ 5 per cent. Repayable June 1882.	TOTAL AMOUNT.
Balance of 29th February 1872 ...	53,100	20,374	2,880	19,83,680	39,53,000	1,47,59,900	1,20,65,300	1,29,57,900	14,500	34,30,700	8,77,000	2,57,62,700	...	79,84,400	4,12,44,200	20,60,000	33,11,000	36,62,000	13,41,42,634
Add— Amount enfaced at Madras between 1st and 15th March 1872	...	...	...	...	...	...	...	22,500	...	...	...	...	...	75,500	2,44,600	...	...	...	3,42,600
Amount enfaced at Bombay between 1st and 15th March 1872	...	...	...	...	1,500	19,300	8,000	1,59,900	...	36,100	...	1,02,000	...	...	5,65,600	...	70,000	10,000	9,72,300
Amount enfaced at Calcutta between 1st and 15th March 1872	...	..	...	...	7,700	55,000	24,500	1,78,000	.	14,800	...	18,88,100	...	...	4,54,500	...	...	...	26,22,600
TOTAL ...	53,100	20,374	2,880	19,83,680	39,62,200	1,48,34,200	1,20,97,800	1,33,18,200	14,500	34,81,600	8,77,000	2,77,52,800	...	80,59,900	4,25,08,900	20,60,000	33,81,000	36,72,000	13,80,80,134
Deduct— Amount written off in the London Registers	...	...	...	...	8,300	70,600	39,700	9,17,500	...	33,500	...	50,000	...	15,93,800	5,83,000	25,000	...	2,000	33,23,400
Balance on 15th March 1872 ...	53,100	20,374	2,880	19,83,680	39,53,900	1,47,63,600	1,20,58,100	1,24,00,700	14,500	34,48,100	8,77,000	2,77,02,800	...	64,66,100	4,19,25,900	20,35,000	33,81,000	36,70,000	13,47,56,734

NOTE.—From 9th June 1867 to 15th Jan. 1872 enfaced from India 1,322 lakhs; re-transferred from London 1,283 lakhs.
" 16th Jan. 1872 to 31st " " " " 27 " " " 31 "
" 1st Feb. " to 15th Feb. " " " 10 " " " 12 "
" 16th " " to 29th " " " " 13 " " " 29 "
" 1st March " to 15th March " " " 39 " " " 33 "
1,411 " 1,388 "
1,388 "
Balance against India ... 23 "

PUBLIC DEBT OFFICE.
BANK OF BENGAL;
Calcutta, the 18th March 1872.

GEO. DICKSON,
Secretary and Treasurer.

MONEY ORDER OFFICE.

NOTIFICATION.

Calcutta, the 21st March 1872.

A new Money Order Office was opened at Deesa, in the Bombay Presidency, on the 20th instant.

HUGH SANDEMAN,
Offg. Comptroller General.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.

The under-mentioned Estates having come under charge of this Office, all persons having claims upon, being indebted to, or holding property belonging to, the said Estates are requested to place themselves in immediate communication with the undersigned:—

Estate, Solaimoon Shumaoon Devek Cohen, late a Jewish inhabitant of Ezra Street in the Town of Calcutta.

" Mrs. Eliza Ann Christiana, formerly of the Town of Calcutta, wife of Henry Lewis Christiana.

" William Henry Leslie, late of the Town of Calcutta.

" Miss Mary Guiguard, late a Teacher of the Cuttack Female Orphanage.

" Francis Dempster Hawkins, late a Captain in the Bengal Staff Corps.

CALCUTTA;
4, STRAND,
The 15th March 1872.

L. P. D. BROUGHTON,
Administrator General.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 22nd March 1872.

No. 266.—Mails for Chittagong, Akyab, Kyouk Phyoo, and Sandoway, for transmission per Steamer *Scotia,* will be closed at this Office on Sunday, the 24th March, at 7 P. M.

No. 267.—Mails for Rangoon, Moulmein, Penang, Malacca, and Singapore, for transmission per Steamer *Busheer,* will be closed at this Office on Sunday, the 24th March, at 7 P. M.

No. 268.—Mails for Guadur, Muscat, Bunder Abbas, Linga, Bushire, Bagdad, and Bussorah, for transmission per Steamer from Bombay, will be closed at this Office on Monday, the 25th March, at 7 P. M.

No. 269.—Mails for Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Alleppy, Cochin, Beypore, Calicut, Tellicherry, Cannanore, Mangalore, and Bombay, for transmission per Steamer *Satara,* will be closed at this Office on Wednesday, the 27th March, at 7 P. M.

No. 270.—Mails for Port Blair and Camorta, for transmission per Steamer *Himalaya,* will be closed at this Office on Sunday, the 31st March, at 7 P. M.

No. 271.—The next Overland Mail *viâ* Bombay will close on Friday, the 29th March 1872.

2. Book post and pattern packets must be posted on the 28th.

N. B.—The Letter-box will close at 7 P. M. precisely, after which hour Overland letters, fully prepaid and bearing extra postage stamp of two (2) annas on each cover, will be received up to 7-30 P. M., or bearing an extra postage stamp of four (4) annas on each cover, up to 8 P. M., and after 8 up to 9 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

The 19th March 1872.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 16th March 1872.

Aldar, A. L.
Adie, F. C.

Butchart, Capt. W.
Barnes, Mrs. E.
Barnard, G.
Barton, W. G.
Bridge, G. A.
Brigges, J. A.
Bligh, W. G.
Benban.
Bridgnell, Mrs.
Beady, Mrs. J.
Brown, E.
Brown, R. D.
Beverley, W. J.

Courtacy, Dr. W. M.
Coles, J. R.
C. N. Dutt.
Cummins, A.
Cross, Dr. W.
Cunningham, W. O.
Collins, G. C.

Doran, E. J.
Dumas, S.
D'Silva, Miss J. C.
Doran, P. G.
Dunbar, A. H.
Davies, Capt. H. C.
D'Souza, E. & Co.
Donlevy, H.
Day, W
DeBarras, R.
Davies, R.

Elliot, Capt.

Fisher, A.
Francis, A.
Frayer, W. E.
Franklin, C.

George, Mrs.
Gopal Chunder Roy.
Greig, J.
Gonsalves, Mrs. J.
Green, J. E.
Grant, J. G.
Grogan, J. E. K.
Gomes, F.
Goslin, Mrs. G. A.

Hopkins, C. W.
Hand, C. F.
Hawkes, F.
Henderson, Mrs. P. D.
Hurra Chunder Ghose.

Jones, E.
Jones, W.
Jardine, W.

Koolah, Mrs.
Kenney, Mrs.
Kally Prosono Mookerjea.

Leopold, A.
Levinge, Mrs. C.
Lane, J.
Lockwood, Capt. A. D. C.
Letts, Sergt. T.
Lambers, J. A. C.

Monahan, A. C.
Marhs, Mrs. A. J.
Maclean, M. L.
Middleton, G. D.

Oldham, P. S.
O'Donnel, H.

Paul, J.
Pregrive, H. R. H.
Polanne, Madame A.

Radcliffe, F. A.
Ross, Mrs.
Roberts, A.
Robinson, Mrs.

Smith, W.
Smith, S. F. A.
Simson, F. L.
Smith, W. R.
Stoker, J.

The Director of Archæological Survey of India.
Tommey, W.
The Negociation Loan Office.
Tipp, S.

Vun, Mrs.

Ward, J.
Willis, Miss.
Warrand, Lieut.-Col. W. E.

Young, Miss E. W.

W. H. McGOWAN,
Post Master of Calcutta.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 23, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Wanted a Draftsman who can make drawings from dimensioned free-hand sketches and print with neatness and despatch. Maximum salary Rs. 80 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted a Clerk accustomed to the work of an Executive Engineer's Office, and who can write routine letters in good English. Maximum salary Rs. 60 per mensem. Copies of testimonials to be addressed to

H. T. GEOGHEGAN, *Executive Engineer,*
Indus Tunnel Division, P. N. S. Railway, Attock.

ATTOCK,
The 29th January 1872.

Notice.

Wanted for the Jhelum Bridge Division, Divers, European and Native, accustomed to the use of diving apparatus.

A. R. BAYLY, *Major,*
Executive Engineer, J. B. Division.

Notice.

Mr. James Drummond Maxwell, and also Mr. Robert McDonald Ross and Mr. Hugh Walker Tulloch are authorized to sign our Firm from this date.

J. NICOL, FLEMING & CO.

CALCUTTA,
The 7th March 1872.

Notice

Is hereby given that the Remittance Transfer Receipts on other Governments from this date will be issued from the Nagode Treasury in a series, commencing from No. 27551. The series hitherto issued ended with No. 26850.

F. B. BOONE,
In charge of Treasury.

NAGODE TREASURY,
The 12th February 1872.

PROMISSORY NOTES.

Lost.

Government Promissory Notes Nos. 004176 for Rs. 3,000, 004187 for Rs. 2,000, 009729 for Rs. 1,000, and 005332 for Rs. 500, all of 5½ per cent. loan of 1859-60.

LUCKEYDAS MOOSTOFFY.

Stolen.

The following Government Promissory Notes of the Bank of Calcutta, originally standing in the name of Aroonachellumpilly, and last endorsed to Moottoosamypilly, the proprietor, by whom it was never endorsed to any other person. Payment of these Notes and interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of duplicates in favor of the proprietor:—

3½ per cent. Loan of 1853-54, dated 28th February 1854, No. $0000\frac{78}{117}$, for Rs. 1,600.
4 per cent. Loan of 1835-36, dated 31st March 1836, No. $00\frac{5940}{307}$, for Rs. 2,800.
4 per cent. Loan of 1842-43, dated 1st February 1843, No. $00\frac{7603}{9403}$, for Rs. 3,500.
4 per cent. Loan of 1854-55, dated 30th June 1854, No. 25289, for Rs. 2,000.

MOOTTOOSAMYPILLY,
Proprietor.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT
	Notes wholly lost or destroyed.		
		Rs.	
4600 ...	A/66876 ...	100 ...	J. Cornelius, Esq.
4602 ...	A/41760 ...	100 ...	The Post Master Genl., N. W. P., Agra.
4603 ...	A/30101 ... to A/30200 ...	at 10 each...	Baboo Hurry Doss Poddar.
	A/56196 ... to A/56200 ...	at 20 each...	
	A/56751 ... to A/56755 ...		
	A/86255 ...	100 ...	
	A/86256 ...	100 ...	
	A/87536 ...	100 ...	
4604 ...	A/85685 ...	50 ..	J. D. Freitas, Esq.
4605 ...	A/10008 ...	100 ...	The Dist. Supdt. of Police, Burdwan.
	A/58516 ...	100 ...	
4607 ..	A/100000 ...	10 ...	Baboo Gonesh Chunder Roy.
4608 ...	A/74554 ...	100 ...	Baboo Oddyto Churn Shaw.
4609 ...	A/75551 ...	1,000 ...	Jetmull Chorodea.
4613 ...	A/71182 ...	500 ...	C. J. Barber, Esq.
	Notes partially lost or destroyed.		
		Rs.	
4601 ...	A/01374	100 ...	Messrs. Gillanders, Arbuthnot & Co.
	A/01373 ...	100 ...	
	A/01372 ...	100 ...	
4606 ...	A/21976 ...	100 ...	Baboo Muddon Mohun Sadookhan.
	A/00988 ...	100 ...	
	A/97858 ...	100 ...	
	A/26439 ...	100 ..	
	A/56938 ...	100	
	A/56836 ...	50 . .	
4610 ...	A/11243 ...	10 ..	F. H. Fisher, Esq.
4611 ...	A/73436 ...	50 ..	B. L. Booth, Esq.
	A/27723 ...	50 ..	
4612 ...	A/53162 ...	10 ...	E. M. Kuinell, Esq.
	A/33129 ...	10 ...	

PAPER CURRENCY OFFICE;
CALCUTTA,
The 21st March 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

ALLAHABAD CIRCLE.

REGISTER No.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
112 ...	$\frac{D}{5}$24023 ..	20 ...	Pundit Kishun Narain, Allahabad.
	$\frac{D}{4}$13838 ...	50 ...	
	Notes partially lost or destroyed.		
		Rs.	
271 ...	$\frac{D}{5}$15655 ...	20 ...	Tara Dutt, Allygurh.
272 ...	$\frac{D}{4}$11666 wrongly joined	50 ...	Messrs. Madeley & Co., Calcutta.
	$\frac{D}{4}$11667		
273 ...	$\frac{D}{5}$24006 ditto	20 ...	Messrs. Hanhart & Co., Allahabad.
	$\frac{D}{5}$24004		
274 ...	$\frac{D}{5}$43552 ...	10 ...	Sergeant J. Nicol Wonche, Allahabad.
275 ..	$\frac{A}{44}$77554 ...	20 ...	Gobind Ram, Gomashta of Moonna Lall Sheo Pershaud, Agra.

PAPER CURRENCY OFFICE; ALLAHABAD, *The 14th March* 1872.

S. JENNINGS, *A. A. G.*, for *Depy. Commr. of Paper Currency.*

BOMBAY CIRCLE.

REGISTER No.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes partially lost or destroyed.		
1871-72.		Rs.	
103 ...	$\frac{C}{76}$14896 ...	100 ...	W. F. Sinclair, Esq., Civil Service, Dhoolia.
113 ...	$\frac{C}{76}$83564 ...	10 ...	Mr. F. Blake, Wurda, Central Provinces.
115 ...	$\frac{C}{66}$34722 ...	50 ...	Moroba Rungoba, Clerk, Fort Police Court.
117 ...	$\frac{C}{76}$18119 ...	10 ...	Sassoo Harro, Nagphada.
118 ...	$\frac{C}{66}$14415 ...	10 ...	Sobharam Mathooradass, Capudwalla, Middle Bhagewadda.
	$\frac{C}{76}$70745 ...	10 ...	
	$\frac{C}{76}$54079 ...	10 ...	

PAPER CURRENCY OFFICE; BOMBAY, *The 13th March* 1872.

A. R. GORDON, *Assistant Commissioner.*

CALICUT CIRCLE.

NO. OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.	
	Rs.	
$\frac{J}{4}$25964 ...	50 ...	Venkadésa Chetty, Spice Merchant of Big Bazaar, Vellore.

PAPER CURRENCY OFFICE; CALICUT, *The 13th March* 1872.

P. A. COLE, *Deputy Collector, In charge Paper Currency.*

LAHORE CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes partially lost or destroyed.		
		Rs.	
21 ...	$\frac{E}{5}$12972 ...	20 ...	Baboo Lallgopal Sen, B.A., Head Master, Zilla School, Behar.
	$\frac{E}{5}$10046 ...	20 ...	
23 ...	$\frac{A}{18}$90650 ...	10 ...	Mr. W. L. Johnston, Lahore.
29 ...	$\frac{E}{5}$16538 ...	20 ...	Dadabhoy Manuckjee, Mooltan.
	$\frac{E}{5}$16539 .	20 ...	
31 ...	$\frac{E}{8}$00509 ...	10 ...	Major W. W. Hewson, Pay Master, 37th Regiment, Meean Meer.
	$\frac{E}{8}$00510 ...	10 ...	

PAPER CURRENCY OFFICE;
LAHORE,
The 16*th March* 1872

R. A. FINK, *A. A. G.*,
for *Deputy Commissioner.*

MADRAS CIRCLE.

REGISTER NO.	NO OF NOTE.	VALUE.	NAME OF CLAIMANT.
	Note partially lost or destroyed.		
		Rs.	
787 ...	$\frac{B}{14}$82243 ...	50 ...	Venkadésa Chetty, Spice Merchant, Big Bazaar, Vellore.

ACCOUNTANT GENL.'S OFFICE,
PAPER CURRENCY DEPT.;
FORT ST. GEORGE,
The 11*th March* 1872.

W. DONALD,
Officiating Assistant Accountant General,
In charge of Paper Currency Department.

NAGPORE CIRCLE

NO. OF NOTES.	VALUE	NAME OF CLAIMANT
	Notes partially lost or destroyed.	
	Rs.	
$\frac{F}{5}$38863 ...	50	Mr. F. Blake, Chanda.
$\frac{F}{10}$31494	100	
$\frac{F}{7}$41130 ..	10	Sheik Abdul Rahim, Extra Assistant Commissioner, Bhundara.

PAPER CURRENCY OFFICE;
NAGPORE,
The 13*th March* 1872.

GEORGE BAGLEY,
Asst. Depy. Acctt. Genl., Central Provinces.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 23, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1872, and is hereby promulgated for general information :—

ACT No. I OF 1872.

THE INDIAN EVIDENCE ACT, 1872.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

SECTION.

1. Short title.
   Extent.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. "May presume."
   "Shall presume."
   "Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given of facts in issue and relevant facts.
6. Relevancy of facts forming part of same transaction.
7. Facts which are occasion, cause, or effect of facts in issue.
8. Motive, preparation and previous or subsequent conduct.
9. Facts necessary to explain or introduce relevant facts.

SECTION.

10. Things said or done by conspirator in reference to common design.
11. When facts not otherwise relevant become relevant.
12. In suits for damages, facts tending to enable Court to determine amount, are relevant.
13. Facts relevant when right or custom is in question.
14. Facts showing existence of state of mind, or of body or bodily feeling.
15. Facts bearing on question whether act was accidental or intentional.
16. Existence of course of business when relevant.

ADMISSIONS.

17. Admissions defined.
18. Admission—
    by party to proceeding or his agent;
    by suitor in representative character;
    by party interested in subject-matter;
    by person from whom interest derived.
19. Admissions by persons whose position must be proved as against party to suit.
20. Admissions by persons expressly referred to by party to suit.
21. Relevancy of admissions against or in behalf of persons concerned.
22. When oral admissions as to contents of documents are relevant.
23. Admissions in civil cases when relevant.
24. Confession caused by inducement, threat, or promise irrelevant.
25. Confession made to a police officer not to be used as evidence.
26. Confession made by accused while in custody of police not to be used as evidence.

SECTION.

27. So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.
28. Confession made after removal of impression caused by inducement, threat, or promise, relevant.
29. Admission otherwise relevant not to become irrelevant because of promise of secrecy, &c.
30. Consideration of proved admission affecting person making it and others jointly under trial for same offence.
31. Admissions not conclusive proof, but may estop.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.
When it relates to cause of death;
or is made in course of business;
or against interest of maker;
or gives opinion as to public right or custom or matters of general interest.
or relates to existence of relationship.
or is made in will or deed of deceased person;
or relates to transaction mentioned in section 13, clause (*a*.)
or is made by several persons and expresses feelings relevant to matter in question.
33. Evidence in a former judicial proceeding when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account when relevant.
35. Entry in public record, made in performance of duty enjoined by law, when relevant.
36. Maps and plans when relevant.
37. Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.
38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. Previous judgments relevant to bar a second suit or trial.
41. Judgments in probate, &c., jurisdiction.
42. Judgment, order, or decree between third parties when irrelevant and when not.
43. What judgments, &c., not relevant.
44. Fraud, collusion, and incompetency of Court may be proved.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. Opinions of experts.
46. Facts bearing upon opinions of experts.
47. Opinion as to hand-writing.
48. Opinion as to existence of right or custom when relevant.
49. Opinions as to usages, tenets, &c., when relevant.
50. Opinion on relationship, when relevant.
51. Grounds of opinion, when relevant.

CHARACTER WHEN RELEVANT.

52. In civil cases, character to prove conduct imputed, irrelevant.
53. In criminal cases, previous good character relevant.
54. Previous conviction in criminal trials relevant, but not previous bad character, except in reply.
55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

56. No evidence required of fact judicially noticed.
57. Facts of which Court must take judicial notice.
58. Facts admitted.

CHAPTER IV.—OF ORAL EVIDENCE.

59. Proof of facts by oral evidence.
60. Oral evidence must be direct.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. Proof of contents of documents.
62. Primary evidence.
63. Secondary evidence.
64. Proof of documents by primary evidence.
65. Cases in which secondary evidence relating to documents may be given.
66. Rules as to notice to produce.
67. Proof of signature and hand-writing of person alleged to have signed or written document produced.
68. Proof of execution of document required by law to be attested.
69. Proof where no attesting witness found.
70. Admission of execution by party to attested document.
71. Proof when attesting witness denies the execution.
72. Proof of document not required by law to be attested.
73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

74. Public documents.
75. Private documents.
76. Certified copies of public documents.
77. Production of such copies.
78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS.

79. Presumption as to genuineness of certified copies.
80. Presumptions on production of record of evidence.
81. Presumption as to Gazettes.
82. Presumption as to document admissible in England without proof of seal or signature.
83. Proof of maps made for purposes of any cause.
84. Presumption as to collections of laws and reports of decisions.
85. Presumption as to powers of attorney.
86. Presumption as to certified copies of foreign judicial records.
87. Presumption as to books and maps.
88. Presumption as to photographs, machine copies, and telegraphic messages.
89. Presumption as to due execution, &c., of documents not produced.
90. Documents thirty years old.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

SECTION.

91. Evidence of terms of written contract.
92. Exclusion of evidence of oral agreement.
93. Exclusion of evidence to explain or amend ambiguous document.
94. Exclusion of evidence against application of document to existing facts.
95. Evidence as to document unmeaning in reference to existing facts.
96. Evidence as to application of language which can apply to one only of several persons.
97. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.
98. Evidence as to meaning of illegible characters, &c.
99. Who may give evidence of agreement varying terms of document.
100. Saving of provisions of Indian Succession Act relating to wills.

Part III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Burden of proof.
102. On whom burden of proof lies.
103. Burden of proof as to particular fact.
104. Burden of proving fact to be proved to make evidence admissible.
105. Burden of proving that case of accused comes within exceptions.
106. Burden of proving fact especially within knowledge.
107. Burden of proving death of person known to have been alive within thirty years.
108. Burden of proving that person is alive who has not been heard of for seven years.
109. Burden of proof as to partnership, tenancy, and agency.
110. Burden of proof as to ownership.
111. Proof of good faith in transactions where one party is in relation of active confidence.
112. Birth during marriage, conclusive proof of legitimacy.
113. Proof of cession of territory.
114. Court may presume existence of certain facts.

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.
116. Estoppel of tenant.
117. Estoppel of acceptor of bill of exchange, bailee, or licensee.

CHAPTER IX.—OF WITNESSES.

118. Who may testify.
119. Dumb witnesses.
120. Married persons in civil and criminal proceedings.
121. Judges and Magistrates.
122. Communications during marriage.
123. Evidence as to affairs of State.
124. Official communications.
125. Information as to commission of offences.
126. Professional communications.
127. Section 126 to apply to interpreters, &c.
128. Privilege not waived by volunteering evidence.
129. Confidential communication with legal advisers.

SECTION.

130. Production of witness' title-deeds.
131. Production of documents which another person, having possession, would be entitled to refuse to produce.
132. Witness not excused from answering on ground that answer will criminate.
Proviso.
133. Accomplice.
134. Number of witnesses.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witnesses.
136. Judge to decide as to admissibility of evidence.
137. Examination-in-chief.
Cross-examination.
Re-examination.
138. Order of examinations. Direction of re-examination.
139. Cross-examination of person called to produce a document.
140. Witnesses to character.
141. Leading question.
142. When they must not be asked.
143. When they may be asked.
144. Evidence as to matters in writing.
145. Cross-examination as to previous statements in writing.
146. Questions lawful in cross-examination.
147. When witness to be compelled to answer.
148. Court to decide when question shall be asked and when witness compelled to answer.
149. Question not to be asked without reasonable grounds.
150. Procedure of Court in case of question being asked without reasonable grounds.
151. Indecent and scandalous questions.
152. Questions intended to insult or annoy.
153. Exclusion of evidence to contradict answers to questions testing veracity.
154. Question by party to his own witness.
155. Impeaching credit of witness.
156. Questions tending to corroborate evidence of relevant fact admissible.
157. Former statements of witness may be proved to corroborate later testimony as to same fact.
158. What matters may be proved in connection with proved statement relevant under sections 32 or 33.
159. Refreshing memory.
When witness may use copy of document to refresh memory.
160. Testimony to facts stated in document mentioned in section 158.
161. Right of adverse party as to writing used to refresh memory.
162. Production of documents.
Translation of documents.
163. Giving, as evidence, of document called for and produced on notice.
164. Giving, as evidence, of document production of which was refused on notice.
165. Judge's power to put questions or order production.
166. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

167. No new trial for rejection or improper reception of evidence.

SCHEDULE.

PART I.—Relevancy of Facts. Ch. I.—Preliminary, ss. 1—4.

THE INDIAN EVIDENCE ACT, 1872.

Preamble.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Indian Evidence Act, 1872:"

Extent.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator;

Commencement of Act.

and it shall come into force on the first day of September 1872:

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India:

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861,' in so far as they relate to any matter herein provided for; and

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

Interpretation-clause.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court."

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition of which any person is conscious.

Illustrations.

(*a*.) That there are certain objects arranged in a certain order in a certain place, is a fact.

(*b*.) That a man heard or saw something is a fact.

(*c*.) That a man said certain words is a fact.

(*d*.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(*e*.) That a man has a certain reputation is a fact.

'Relevant.'

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.

At his trial the following facts may be in issue:—

That A caused B's death;

That A intended to cause B's death;

That A had received grave and sudden provocation from B;

That A, at the time of doing the act which caused B's death, was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document."

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations.

A writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

"Evidence."

"Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence:

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

"Proved."

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

"Disproved."

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

"Not proved."

A fact is said not to be proved when it is neither proved nor disproved.

"May presume."

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

"Shall presume."

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

"Conclusive proof."

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall

PART I. Ch 2.—Relevancy of Facts. ss 5—8.

not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

Evidence may be given of facts in issue and relevant facts.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustration.

(*a.*) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club;

A's causing B's death by such beating;

A's intention to cause B's death.

(*b.*) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Relevancy of facts forming part of same transaction.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Illustrations.

(*a.*) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.

(*b.*) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d.*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are occasion, cause, or effect of facts in issue.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

(*a.*) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b*) The question is, whether A murdered B.

Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.

(*c*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation and previous or subsequent conduct.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(*c*) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakíls in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(*g*) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h.*) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section thirty-two, (one), or

as corroborative evidence under section one hundred and fifty-seven.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section thirty-two, clause (one), or

as corroborative evidence under section one hundred and fifty-seven.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A—'I am leaving you because B has made me a better offer.' This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says, as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of shewing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

In suits for damages, facts tending to enable Court to determine amount are relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

Facts relevant when right or custom is in question.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

Facts showing existence of state of mind, or of body or bodily feeling.

14. Facts showing the existence of any state of mind—such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling—are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists, not generally, but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin, is relevant.

(*c*) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d*.) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e*.) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B

(*f*.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(*g*.) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h*.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i*.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j*.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(*k*.) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(*l*) The question is, whether A's death was caused by poison

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m*) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n*) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o*.) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(*p*.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

Facts bearing on question whether act was accidental or intentional.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Illustrations.

(*a*.) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(*b*.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c*.) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Existence of course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(*a*.) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b*.) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

Admission—

by party to proceeding or his agent;

18. Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

by suitor in representative character;

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

by party interested in subject-matter;

Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

by person from whom interest derived.

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Illustration.

The question is, whether a horse sold by A to B is sound.

A says to B—'Go and ask C, C knows all about it.' C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases :—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section thirty-two.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the Captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section thirty-two, clause (two).

(*c.*) A is accused of a crime committed by him at Calcutta.

He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post-mark of that day.

The statement in the date of the letter is admissible, because, if A were dead it would be admissible under section thirty-two, clause (two).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakíl from giving evidence of any matter of which he may be compelled to give evidence under section 126.

Confession caused by inducement, threat or promise irrelevant.

24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession made to a Police officer not to be used as evidence.

25. No confession made to a Police officer, shall be proved as against a person accused of any offence.

Confession made by accused while in custody of Police not to be used as evidence.

26. No confession made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

Confession made after removal of impression caused by inducement, threat or promise relevant.

28. If such a confession as is referred to in section twenty-four is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

PART I. Ch 2. Relevancy of Facts. Admissions, s. 29-31. Statements by persons who cannot be called as witnesses, s. 32.

Confession otherwise relevant not to become irrelevant because of promise of secrecy, &c.

29. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Consideration of proved confession affecting person making it and others jointly under trial for same offence.

30. When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C." The Court may consider the effect of this confession as against B

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

Admissions not conclusive proof, but may estop

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

when it relates to cause of death;

(1.) When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

or is made in course of business;

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document used in commerce written or signed by him or of the date of a letter or other document usually, dated, written or signed by him.

or against interest of maker;

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

or gives opinion as to public right or custom or matters of general interest;

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

or relates to existence of relationship;

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

or is made in will or deed of deceased person;

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

or relates to transaction mentioned in section 13, clause (*a*);

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen, clause (*a*).

or is made by several persons, and expresses feelings relevant to matter in question.

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(*a.*) The question is, whether A was murdered by B; or

A dies of injuries received in a transaction in the course of which she was ravished The question is whether she was ravished by B: or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(*b.*) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c.*) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d.*) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e.*) The question is, whether rent was paid to A for certain land.

A letter from A's deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

PART I. Ch 2 —Relevancy of Facts. Statements by persons who cannot be called as witnesses, s. 33. Statements made under special circumstances, ss 34—38 How much of a statement is to be proved s 39. Judgments of Courts of Justice when relevant, ss. 40—41.

(*f*.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g*.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h*.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i*.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j*.) The question is, what was the price of grain on a certain day in a particular market A statement of the price, made by a deceased bánya in the ordinary course of his business, is a relevant fact

(*k*) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l*) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

(*m*.) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(*n*.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

Evidence in a former judicial proceeding when relevant.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Provided

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

Entries in books of account when relevant.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

Entry in public record, made in performance of duty enjoined by law, when relevant.

35. An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Maps and plans when relevant.

36. Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statements in law-books.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant

when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof

that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgment, order or decree between third parties when irrelevant and when not.

42. Judgments, orders or decrees other than those mentioned in section forty-one, are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in sections forty, forty-one and forty-two, are irrelevant, unless the existence of such judgment, order or decree, is a fact in issue, or is relevant under some other provision of this Act.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under section forty, forty-one or forty-two, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

Illustrations.

(*a.*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

Facts bearing upon opinions of experts.

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a.*) The question is, whether A was poisoned by a certain poison.

The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(*b.*) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant though neither B, C nor D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c., when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under [illegible] when the witness is [illegible]-four, four hundred [illegible] section four hundred and ninety-[illegible] evidence, or [illegible] and ninety-five, four hundred and ninety-seven [illegible] four hundred and ninety-eight of the Indian Penal Code.

Illustrations.

(*a*.) The question is, whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(*b*.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In sections fifty-two, fifty-three, fifty-four and fifty-five, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

No evidence required of fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India:

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army [illegible] or Navy:

(4.) The course [illegible] of proceeding [illegible] Parliament and of the Councils for the purposes of [illegible] making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto.

Explanation.—The word 'Parliament,' in clauses (2) and (4), includes—

1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;
4. The Parliament of Scotland, and
5. The Parliament of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act or Regulation having the force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

PART II.—Proof. Ch. 3.—Facts which need not be proved, s. 58. Ch. 4.—Oral Evidence, ss. 59 to 60. Ch. 5.—Documentary Evidence, ss. 61—65.

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official Gazette:

(10.) The territories under the dominion of the British Crown:

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons:

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakils, pleaders and other persons authorized by law to appear or act before it:

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document:

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained;

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;

(3.) Copies made from or compared with the original;

(4.) Counterparts of documents as against the parties who did not execute them;

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a.*) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b.*) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c.*) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d.*) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—

(*a.*) When the original is shown or appears to be in the possession or power

of the person against whom the document is sought to be proved, or

of any person out of reach of, or not subject to, the process of the Court, or

of any person legally bound to produce it,

and when, after the notice mentioned in section sixty-six, such person does not produce it;

(*b.*) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;

(*c.*) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(*d.*) When the original is of such a nature as not to be easily moveable;

(*e.*) When the original is a public document within the meaning of section seventy-four;

(*f.*) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence;

(*g.*) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*c*) and (*d*), any secondary evidence of the contents of the document is admissible.

In case (*b*), the written admission is admissible.

In case (*e*) or (*f*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*g*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section sixty-five, clause (*a*), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it:—

(1.) When the document to be proved is itself a notice;

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it;

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4.) When the adverse party or his agent has the original in Court;

(5.) When the adverse party or his agent has admitted the loss of the document;

(6.) When the person in possession of the document is out of reach of, or not subject to, the process of the Court.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission of execution by party to attested document.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents:—

1. Documents forming the Acts, or records of the Acts—

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

PART II.—Proof. Ch. 5.—Documentary Evidence. Public Documents, ss. 75–78. Presumptions as to Documents, ss. 79–83.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows:—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the Legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the Executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified, by any officer in British India, or by any officer in any Native State in alliance with Her Majesty, who is duly authorised thereto by the Governor General in Council, to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements, as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such evidence, statement or confession was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to document admissible in England without proof of seal or signature.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held, at the time when he signed it, the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made for purposes of any cause.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

PART II.—Proof. Ch. 5.—Documentary Evidence. Presumptions as to Documents, ss. 84—90. Ch. 6.—Exclusion of Oral by Documentary Evidence, s. 91—92.

Presumption as to collections of laws and reports of decisions.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

Presumption as to powers of attorney.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to certified copies of foreign judicial records.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to books and maps.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to photographs, machine copies and telegraphic messages.

88. The Court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to due execution, &c., of documents not produced.

89. The Court shall presume that every document, called for and not produced after notice to produce, was attested, stamped and executed in the manner required by law.

Documents thirty years old.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section eighty-one.

Illustrations.

(*a.*) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b.*) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c.*) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

Evidence of terms of written contract.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

(*a.*) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b.*) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c.*) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d.*) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e.*) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

Exclusion of evidence of oral agreement.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement as to any matter on which a document is silent and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a.*) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b.*) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1873. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c.*) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d.*) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(*e.*) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(*f.*) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g.*) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(*h.*) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i.*) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(*j.*) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a.*) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(*b.*) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

(*a.*) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b.*) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my mods.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence of agreement varying terms of document.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

On whom burden of proof lies.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a.*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.

(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

Burden of proving that case of accused comes within exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.

The burden of proof is on A.

(*c.*) Section three hundred and twenty-five of the Indian Penal Code provides that whoever, except in the case provided for by section three hundred and thirty-five, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under section three hundred and twenty-five.

The burden of proving the circumstances bringing the case under section three hundred and thirty-five lies on A.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations.

(*a.*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(*b.*) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.

Burden of proving death of person known to have been alive within thirty years.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

PART III.—Production and effect of Evidence. Ch. 7.—Burden of Proof, ss. 110—114. Ch. 8.—Estoppel, ss. 115—117.

Burden of proof as to ownership.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Proof of good faith in transactions where one party is in relation of active confidence.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney. is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney

(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

Birth during marriage, conclusive proof of legitimacy.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Proof of cession of territory.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Court may presume existence of certain facts.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

(*a.*) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;

(*b.*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;

(*c.*) That a bill of exchange, accepted or endorsed, was accepted or endorsed, for good consideration;

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;

(*e.*) That judicial and official acts have been regularly performed;

(*f.*) That the common course of business has been followed in particular cases;

(*g.*) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it;

(*h.*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (*a*)—A shop-keeper has in his till marked rupee soon after it was stolen, and cannot account fo its possession specifically, but is continually receiving rupees in the course of his business:

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (*f*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

Estoppel.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

Estoppel of tenant.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.

OF WITNESSES.

PART III — Production and effect of Evidence. Ch. 9 — Witnesses, ss. 118—129.

Who may testify.

118. All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a.*) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.

(*b.*) A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the Superior Court.

(*c.*) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such barrister, attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(*a.*) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me.'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b.*) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c.*) A, being charged with embezzlement, retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, &c.

127. The provisions of section one hundred and twenty-six shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakíls.

Privilege not waived by volunteering evidence.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section one hundred and twenty-six; and if any party to a suit or proceeding calls any such barrister, attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Confidential communication with legal advisers.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers him-

PART III.—Production and effect of Evidence. Ch. 9.—Witnesses, ss. 130—134. Ch. 10.—Examination of Witnesses, ss. 135—141

self as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

Production of witness' title-deeds.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property, or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of documents which another person, having possession, would be entitled to refuse to produce.

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Witness not excused from answering on ground that answer will criminate.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Proviso.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Accomplice.

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Number of witnesses.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

Order of production and examination of witnesses.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Judge to decide as to admissibility of evidence.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a.*) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b.*) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c.*) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d.*) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

Examination-in-chief.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Cross-examination.

The examination of a witness by the adverse party shall be called his cross-examination.

Re-examination.

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

Order of examinations. Direction of re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading question.

141. Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.

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When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend

(1) to test his veracity;

(2) to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section one hundred and thirty-two shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer, the inference that the answer if given would be unfavourable.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section one hundred and forty-eight ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d.*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a*.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b*.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c*.) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d*.) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Question by party to his own witness.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him:—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit;

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence;

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a*.) A sues B for the price of goods sold and delivered to B.

C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b*.) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Questions tending to corroborate evidence of relevant fact, admissible.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

Former statements of witness may be proved to corroborate later testimony as to same fact.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

What matters may be proved in connection with proved statement relevant under section 32 or 33.

158. Whenever any statement, relevant under section thirty-two or thirty-three, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

Refreshing memory.

159. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning

PART III.—Production and effect of Evidence. Ch. 10.—Examination of witnesses, ss. 160—166. Ch. 11.—Improper Admission and Rejection of Evidence, s. 167.

which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

When witness may use copy of document to refresh memory.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

Testimony to facts stated in document mentioned in section 159.

160. A witness may also testify to facts mentioned in any such document as is mentioned in section one hundred and fifty-nine, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory.

161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it; such party may, if he pleases, cross-examine the witness thereupon.

Production of documents.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence: and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Giving as evidence of document called for and produced on notice.

163. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document production of which was refused on notice.

164. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sues B on an agreement and gives B notice to produce it. At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

Judge's power to put questions or order production.

165. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of the parties, about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections one hundred and twenty-one to one hundred and thirty-one both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections one hundred and forty-eight or one hundred and forty-nine; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

Power of jury or assessors to put questions.

166. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

No new trial for rejection or improper reception of evidence.

167. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court, before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.
Stat. 26 Geo. III, c. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.
Stat. 14 & 15 Vic. c. 99.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
Act XV of 1852	To amend the Law of Evidence.	So much as has not been heretofore repealed.
Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
Act II of 1855 ...	For the further improvement of the Law of Evidence.	So much as has not been heretofore repealed.
Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
Act I of 1868 ...	The General Clauses Act, 1868.	Sections seven and eight.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1872, and is hereby promulgated for general information :—

ACT No. II OF 1872.

An Act to revive and continue the operation of Act XV of 1867 (to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes).

Preamble.

WHEREAS the term for which Act XV of 1867 was enacted to be in force has expired, and it is expedient to revive and continue the operation of the said Act; It is hereby enacted as follows :—

Revival and continuance of Act XV of 1867.

1. Act XV of 1867 shall be deemed to be and to have been in force throughout the territories subject to the control of the Lieutenant Governor of the Panjáb from the last day of February 1872, and shall continue in force in the said territories until the first day of March 1873.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1872, and is hereby promulgated for general information :—

ACT No. III OF 1872.

An Act to provide a form of Marriage in certain cases.

Preamble.

WHEREAS it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful; It is hereby enacted as follows :—

Local extent. Commencement.

1. This Act extends to the whole of British India, and shall come into force on the passing thereof.

Conditions upon which marriages under Act may be celebrated.

2. Marriages may be celebrated under this Act between persons neither of whom professes the Christian or the Jewish, or the Hindú or the Muhammadan, or the Pársí or the Buddhist, or the Sikh or the Jaina religion, upon the following conditions :—

(1).—Neither party must, at the time of the marriage, have a husband or wife living:

(2).—The man must have completed his age of eighteen years, and the woman her age of fourteen years, according to the Gregorian calendar:

(3).—Each party must, if he or she has not completed the age of twenty-one years, have obtained the consent of his or her father or guardian to the marriage :

(4).—The parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal.

1st Proviso.—No such law or custom, other than one relating to consanguinity or affinity, shall prevent them from marrying.

2nd Proviso.—No law or custom as to consanguinity shall prevent them from marrying, unless a relationship can be traced between the parties through some common ancestor, who stands to each of them in a nearer relationship than that of great-great-grand-father or great-great-grand-mother, or unless one of the parties is the lineal ancestor, or the brother or sister of some lineal ancestor, of the other.

Appointment of Marriage Registrars.

3. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its administration. The officer so appointed shall be called 'Registrar of Marriages under Act III of 1872,' and is hereinafter referred to as 'the Registrar.' The portion of territory for which any such officer is appointed shall be deemed his district.

One of the parties to intended marriage to give notice to Registrar.

4. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar, before whom it is to be solemnized.

The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for fourteen days before such notice is given.

Such notice may be in the form given in the first schedule to this Act.

Notice to be filed and copy entered in the Marriage Notice Book.

5. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of every such notice in a book to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book under Act III of 1872," and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Objection to marriage.

6. Fourteen days after notice of an intended marriage has been given under section four, such marriage may be solemnized, unless it has been previously objected to in the manner hereinafter mentioned.

Any person may object to any such marriage on the ground that it would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two.

The nature of the objection made shall be recorded in writing by the Registrar in the register, and shall, if necessary, be read over and explained to the person making the objection, and shall be signed by him or on his behalf.

Procedure on receipt of objection.

7. On receipt of such notice of objection the Registrar shall not proceed to solemnize the marriage until the lapse of fourteen days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of fourteen days from the opening of such Court.

Objector may file suit.

The person objecting to the intended marriage may file a suit in any Civil Court having local jurisdiction (other than a Court of Small Causes) for a declaratory decree, declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two.

Certificate of filing of suit to be lodged with Registrar.

8. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within fourteen days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within fourteen days of the opening of such Court, the marriage shall not be solemnized till the decision of such Court has been given and the period, allowed by law for appeals from such decision, has elapsed; or, if there be an appeal from such decision, till the decision of the Appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, or if the decision of the Court be that such marriage would not contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two, the marriage shall not be solemnized.

Court may fine when objection not reasonable.

9. Any Court, in which any such suit as is referred to in section seven is filed, may, if it shall appear to it that the objection was not reasonable and *bonâ fide*, inflict a fine, not exceeding one thousand rupees, on the person objecting, and award it, or any part of it, to the parties to the intended marriage.

Declaration by parties and witnesses.

10. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the second schedule to this Act. If either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her father or guardian, except in the case of a widow, and, in every case, it shall be countersigned by the Registrar.

Marriage how to be solemnized.

11. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses, 'I, [*A*,] take thee, [*B*,] to be my lawful wife (*or* husband).'

Place where marriage may be solemnized.

12. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire. Provided that the Local Government may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon.

13. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the 'Marriage Certificate Book under Act III of 1872,' in the form given in the third schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses.

Form of certificate.

14. The Local Government shall prescribe the fees to be paid to the Registrar for the duties to be discharged by him under this Act.

Fees.

The Registrar may, if he think fit, demand payment of any such fee before solemnization of the marriage or performance of any other duty in respect of which it is payable.

The said Marriage Certificate Book shall at all reasonable times be open for inspection, and shall be admissible as evidence of the truth of the statements therein contained. Certified extracts therefrom shall on application be given by the Registrar on the payment to him by the applicant of a fee to be fixed by the Local Government for each such extract.

15. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section four hundred and ninety-four or section four hundred and ninety-five of the Indian Penal Code, as the case may be; and the marriage so solemnized is void.

Penalty on married person marrying again under Act.

16. Every person married under this Act who, during the lifetime of his or her wife or husband, contracts any other marriage, shall be subject to the penalties provided in sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the lifetime of a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage.

Punishment of bigamy.

17. The Indian Divorce Act shall apply to all marriages contracted under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two of this Act.

Indian Divorce Act to apply.

18. The issue of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriages by reason of consanguinity and affinity, and the provisoes to section two of this Act shall apply to them.

Law to apply to issue of marriages under Act.

19. Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage; but if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.

Saving of marriages solemnized otherwise than under Act.

20. All persons who have heretofore contracted marriages in the presence of at least two witnesses, according to any form whatever, may at any time, previous to the first day of January 1873, have such marriages registered under this Act, and such marriages shall thereupon be deemed to be and to have been as valid as if they had been contracted and solemnized under this Act: Provided that persons who have such marriages registered under this section must, on such registry, sign a declaration in the form given in the fourth schedule to this Act.

Registry of marriages contracted before passing of Act.

No marriage shall be registered under this section unless conditions (1), (3) and (4) of section two were complied with; and no such marriage shall be registered under this section if, during its continuance, either party has contracted a subsequent marriage.

21. Every person making, signing or attesting any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section one hundred and ninety-nine of the Indian Penal Code.

Penalty for signing declarations or certificates containing false statements.

FIRST SCHEDULE.

(*See Section* 4).

NOTICE OF MARRIAGE.

To a Registrar of Marriages under Act III of 1872 for the District.

I hereby give you notice that a marriage under Act III of 1872, is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.
A B	*Unmarried. Widower.*	*Landowner.*	*Of full age.*	.....	*23 days.*
C D	*Spinster.*	.....	*Minor.*	.....	.....

Witness my hand, this day of 187

(*Signed*) *A. B.*

SECOND SCHEDULE.

(*See Section* 10).

Declaration to be made by the Bridegroom.

I, *A B*, hereby declare as follows:—

1. I am at the present time unmarried:

2. I do not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion.

3. I have completed my age of eighteen years:

4. I am not related to *C D* [*the bride*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal:

[*And when the bridegroom has not completed his age of twenty-one years:*

5. The consent of my father [*or* guardian, *as the case may be*] has been given to a marriage between myself and *C D*, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(*Signed*) *A B* (*the bridegroom*).

Declaration to be made by the Bride:—

I, *C D*, hereby declare as follows:—

1. I am at the present time unmarried:

2. I do not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion.

3. I have completed my age of fourteen years:

4. I am not related to *A B* [*the bridegroom*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A B* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal.

[*And when the bride has not completed her age of twenty-one years, unless she is a widow:*

5. The consent of *M N* my father [*or* guardian, *as the case may be*], has been given to a marriage between myself and *A B*, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D*:

G H, *I. J*, *K L*, } (*three witnesses*).

[*And when the bridegroom or bride has not completed the age of twenty-one years, except in the case of a widow:*

Signed in my presence and with my consent by the above *A B* and *C D*:

M N, the father [*or* guardian] of the abovenamed *A B* [*or C D, as the case may be.*]

(Countersigned) *E F*,

Registrar of Marriages under Act III of 1872 *for the District of*

Dated the day of 18 .

THIRD SCHEDULE.

(*See section* 13).

Registrar's Certificate.

I, *E F*, certify that, on the of 18 appeared before me *A B* and *C D*, each of whom in my presence and in the presence of three credible witnesses, whose names are signed hereunder, made the declarations required by Act III of 1872, and that a marriage under the said Act was solemnized between them in my presence.

(Signed) *E F*,

Registrar of Marriages under Act III of 1872 *for the District of*

(Signed) *A B*,
C D,

G H, *I J*, *K L*, } (*three witnesses*).

Dated the day of 18 . .

FOURTH SCHEDULE.

(*See section* 20).

Declaration to be made by the Husband.

I, *A B*, hereby declare as follows:—

1. I was married to *C D* at (*place*), on or about (*date*) in the presence of (*two witnesses*):

2. I was, at the time of my marriage to my wife, *C D*, unmarried:

3. I did not at such time profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion:

4. I have not contracted any subsequent marriage:

5. I am not related to *C D* [*the wife*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal:

[*And when the bridegroom had not completed his age of twenty-one years:*

6. The consent of my father [*or* guardian, *as the case may be*], had been given to a marriage between myself and *C D*, and had not been revoked.]

7. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(*Signed*) *A B* (*the husband*).

Declaration to be made by the Wife:—

I, *C D*, hereby declare as follows:—

1. I was married to *A B* at (*place*), on or about (*date*) in the presence of (*two witnesses*):

2. I was, at the time of my marriage to my husband, *A B*, unmarried:

3. I did not at such time profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion :

4. I have not contracted any subsequent marriage :

5. I am not related to *A B* [*the husband*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A B* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal.

[*And when the bride had not, at the time of her marriage, completed her age of twenty-one years, unless she was then a widow :*

6. The consent of *M N* my father [*or* guardian, *as the case may be*] had at such time been given to a marriage between myself and *A B*, and had not been revoked :]

7. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D:*

G H, } (*two witnesses*).
I J, }

(Countersigned) *E F,*

Registrar of Marriages under Act III of 1872 *for the District of*

Dated the day of 18 .

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 23, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months :—

No. 6 OF 1872.

A Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts.

Preamble.

WHEREAS it is expedient to consolidate and amend the law by which the admission of appeals to Her Majesty in Council from certain judgments and orders of the Civil Courts throughout British India is regulated; It is hereby enacted as follows :—

Short title.

1. This Act shall be called "The Privy Councils Appeals Act, 1872 :"

Extent.

It extends to the whole of British India, but shall not apply to suits tried by a High Court in any of the Presidency Towns in the exercise of its ordinary original jurisdiction;

Commencement.

and shall come into force on the passing thereof.

Repeal of enactments.

2. The several enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

Admission of appeals to Her Majesty in Council.

3. If any person desires to prefer an appeal to Her Majesty in Council from any final judgment, decree, or order made on appeal or revision by any High Court or other Court of final appellate jurisdiction in India under the law for the time being in force relating to appeals,

or from any final judgment, decree, or order made by a High Court in the exercise of its original jurisdiction, in any suit in which the amount or value of the subject-matter in dispute exceeds ten thousand rupees, or such amount as may be fixed as the limit for such appeals from time to time by the orders of Her Majesty in Council,

or in which such judgment, decree, or order involves directly or indirectly any claim, demand, or question to or respecting property the amount or value of which is not less than ten thousand rupees, or such other amount as aforesaid,

or from any other final judgment, decree, or order made either on appeal or otherwise when the High Court declares that the case is a fit one for appeal to Her Majesty in Council,

and the application for the admission of the appeal is presented within six months from the date of the judgment, decree, or order appealed from,

the Court shall admit such appeal subject to such rules and orders as may be made from time to time by Her Majesty in Council in regard to the disposal of such appeals.

Notice to opposite party.

4. When the High Court or other Court as aforesaid has admitted any such appeal as is mentioned in the last preceding section, it shall forthwith cause notice of such appeal having been made to be given to the opposite party in the suit to which the appeal relates.

Court may direct enforcement of judgment appealed against or stay injunction pending result of appeal.

5. If application be made to that effect, the Court may either direct the judgment or order against which an appeal has been preferred to be enforced, sufficient security being taken for the performance of such decree or order as Her Majesty in Council may make on the appeal, or

it may direct, on like security being given, that no injunction for the enforcement of the judgment or order shall be issued pending the result of the appeal, or that if any such injunction has been issued, its execution shall, so far as may be practicable, be suspended.

Appellant to give security for costs.

6. In either case, the Court shall require the appellant to give security for the payment of such costs as it may think likely to be incurred by the appeal within such period, not exceeding six months from the date of the judgment or order appealed from, as to it may seem fit.

Appellant may petition for security from opposite party for staying execution.

7. Any person who desires to prefer an appeal to Her Majesty in either of the cases hereinbefore mentioned, may present a petition to the High Court or other Court as aforesaid for the purpose of obtaining security from the opposite party for staying execution of the judgment, decree or order against which he is about to appeal, within six months from the date of such judgment, decree or order.

Court may require further security when that first given is insufficient.

8. If at any time during the pendency of such appeal the security taken is from any cause shewn to be inadequate, the Court which has admitted such appeal may, on the application of the opposite party, require further security; and may, in default of such further security being given, if the original security was furnished by the appellant, enforce the judgment, decree or order against which an appeal has been made as if no such security had been given; if the original security was given by the respondent, the Court shall, so far as may be practicable, compel him to deliver the property to which the appeal relates, and such property shall be dealt with according to the rules in force applicable to such case.

Court to transmit to Queen in Council certified copies of all proceedings

9. In every appeal under this Act, the Court shall certify and transmit to Her Majesty in Council under the seal of the Court two correct copies of all evidence, proceedings, judgments, decrees and orders taken, held or made in the suit or case appealed so far as the same are relevant to the matters of appeal, together with a copy of the reasons recorded by such Court for or against the judgment, decree or order against which the appeal has been preferred. The expense of preparing the said copies and of translating so much of the original documents as are not in that language, shall be defrayed by the party prosecuting the appeal; and the amount required to cover such expense shall be deposited by the appellant within the period allowed for furnishing security for the costs of the appeal;

Deposit of costs by appellant.

No appeal until deposit made.

Until such deposit is made, the appeal shall not be admitted.

Execution of decrees of Queen in Council.

10. The orders or decrees of Her Majesty in Council when duly certified shall be enforced and executed subject to the directions of the High Court or other Court as aforesaid, by the Judge by whom the suit was originally tried in the manner and according to the rules and laws applicable to the execution of original orders or decrees made by such Judge.

Petition for execution to Court which made decree appealed against.

11. Any person who desires to enforce or obtain the execution of any such decree or order made in appeal as aforesaid, shall present a petition to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed.

Appeal from order of such Court relating to enforcement of decree in appeal.

12. An appeal shall lie from any decree or order made by such last mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as hereinbefore mentioned, in the same manner and subject to the same rules as an appeal from a decree or order made upon a petition for the enforcement or execution of the decree or order first appealed from.

SCHEDULE.

ENACTMENTS REPEALED.

No. and year of enactment.	Title.	Extent of repeal.
Bengal Regulation XVI of 1797.	A Regulation respecting Appeals from the Court of Sudder Dewanny Adawlut to his Most Excellent Majesty and his Most Honourable Privy Council	The whole
„ V of 1803.	A Regulation for empowering the Sudder Dewanny Adawlut to try Appeals from the Decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company; and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein.	The whole.
Madras Regulation VIII of 1818.	A Regulation prescribing the Rules under which Appeals may be preferred to the King's Most Excellent Majesty in his Privy Council, from the Decisions of the Court of Sudder Adawlut at Fort Saint George.	The whole.
Bombay Regulation IV of 1827.	A Regulation prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same.	Section 100.
Act II of 1844	An Act respecting the Expenses of preparing Copies of Proceedings in Appeals.	The whole.
Act XXV of 1852	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	So much as is not repealed.
Act II of 1863	An Act to regulate the admission of Appeals to Her Majesty in Council from certain Judgments and Orders in Provinces not subject to the General Regulations	The whole.

STATEMENT OF OBJECTS AND REASONS.

The law relating to the admission and transmission of appeals from the judgments and orders of the Civil Courts in India to Her Majesty in Council is distributed over the following enactments, namely—

Bengal Regulation XVI of 1797 and Regulation V of 1803 ...	In force in the Regulation territories.
Madras Regulation VIII of 1818	
Bombay Regulation IV of 1827, Section 100	
Act II of 1844	
Act XXV of 1852 ...	
And Act II of 1863 ...	In force in the Non-Regulation Provinces.

The chief object of the Bill is to reduce into one Act the provisions of these several enactments, with such alterations of a purely verbal character or of arrangement as are incidental to the work of consolidation.

In consequence of the recent alteration of the law relating to appeals in Oudh—an alteration which is likely to be extended soon to British Burma—it has become necessary also to provide for the admission of appeals from the decrees and orders of Courts of final jurisdiction under the law for the time being in force relating to appeals, as the existing rules of procedure in respect of the admission of appeals to the Privy Council apply only to appeals from the decrees or orders of the Courts of highest civil jurisdiction.

F. R. COCKERELL.

The 8th March 1872.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months:—

No. 7 OF 1872.

A Bill to consolidate and amend the Law relating to the Redemption and Foreclosure of Mortgages.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the redemption and foreclosure of mortgages in the territories in which the Bengal Regulations are directly or indirectly in force; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Mortgage Procedure Act, 1872;"

Extent. Commencement.

It extends to the territories subject to the control of the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjáb, respectively, and to Oudh and the Central Provinces; and it shall come into force on the passing thereof.

Enactments repealed.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Mortgagor of landed property desiring to redeem it, may deposit amount of debt within year after due date.

3. Any person who has, by conditional sale or otherwise, mortgaged any landed property, and is desirous of redeeming the same, may deposit the amount due on account of principal and interest (if any) in respect of such mortgage in the chief Civil Court of the district in which the mortgaged land is situated, at any time within one year from the latest date fixed for the re-payment of the loan.

Notice of deposit to mortgagee.

The Court shall receive such deposit and cause a written notice of the same to be delivered to the mortgagee.

Effect of deposit.

The deposit so made shall be deemed to preserve to the mortgagor the right of redeeming his property, and if the land is in the possession of the mortgagee, the mortgagor shall be entitled to recover possession subject to such adjustment of accounts as may be required under the terms of the mortgage.

Mortgagee desiring foreclosure may bring suit.

4. When any person in whose favour a deed of mortgage and conditional sale of landed property has been executed is desirous of foreclosing the mortgage and rendering the sale absolute, he may, on or after the expiration of the period stipulated for the repayment of the consideration for which the mortgage was executed, institute a suit in any Court of competent jurisdiction for the foreclosure of the mortgage.

Condition to attach to decree for foreclosure.

5. If the Court makes a decree of foreclosure in such suit, the foreclosure shall be conditional on the non-payment by the mortgagor of such amount as the Court finds to be due by him to the mortgagee, within one year from the date on which the mortgagor received notice of the institution of the suit.

STATEMENT OF OBJECTS AND REASONS.

The procedure relating to the preservation of the right of redemption of mortgaged property and to foreclosure in force in the Bengal Presidency is prescribed by the Bengal Regulations I of 1798, XXXIV of 1803 and XVII of 1806.

The object of the proposed legislation is (*1st*) to consolidate the law by which this procedure is regulated; and, (*2nd*), to amend the procedure by assimilating it in a certain measure to the English law on this subject.

F. R. COCKERELL.

The 18th March 1872.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Report of a Select Committee, together with the Bill as settled by them was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th March 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to amend Act XII of 1870 (the Native Passenger Ships Act) was referred, have the honour to report that we have considered the Bill and the papers noted in the margin, and beg to recommend the following alterations :—

Petition from certain Muhammadans of Calcutta and its suburbs, dated 9th November 1870.
Memorial from certain ship-owners of Bombay.
Opinion of the Advocate General, Bengal, dated 12th November 1870.
Endorsement, Department of Agriculture, Revenue and Commerce, No. 34, dated 14th July 1871, forwarding telegrams from Home Department, Nos. 5095 and 5124, dated 23rd and 22nd November 1870.
From Officiating Secretary to Government, Home Department, No. 5615, dated 20th December 1870.
From Advocate General, Calcutta, dated 9th January 1871.
Circular from Home Department, Nos. 733 to 736, dated 7th January 1871.
From Acting Chief Secretary to Government, Madras, No. 113, dated 19th April 1871, and enclosures.
From Chief Secretary to Government, Bombay, No. 1541, dated 13th June 1871, and enclosure.
From Officiating Under Secretary to Government, Bengal, No 612, dated 28th February 1871, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 540-6, dated 27th February 1871.
Note by Hon'ble F. S. Chapman, dated 5th December 1871
From Secretary to Government, Madras, No. 177, dated 18th December 1871, and enclosures.
From Secretary to Government, Madras, No. 2, dated 5th January 1872.
From Secretary to Government, Bengal, No. 163, dated 13th January 1872, and enclosures
Demi official letter from Hon'ble F. S. Chapman, dated 10th January 1872, forwarding Resolution of the Government of Bombay (General Department), No. 52, dated 15th January 1872, and enclosures.
From Secretary to Government, Bengal, No. 234, dated 18th January 1872, and enclosure.
From Acting Chief Secretary to Government, Bombay, No. 424, dated 26th January 1872, and enclosures
Telegram from Chief Secretary to Government, Bombay, No. 425, dated 26th January 1872.
From Secretary to Government, Bombay, No. 771, dated 15th February 1872, forwarding letter from Chamber of Commerce, dated 7th February 1872.

2. We consider that the scope of chapter II of the Bill might, with advantage, be enlarged, so as to include—

1*st*, all sea-going vessels, without distinction, except ships-of-war or transports;

2*nd*, all sea-going vessels which may depart from any port or place in British India or in the dominions of Princes and States in India in alliance with Her Majesty to any port or place whatever, whether in the Red Sea or elsewhere, and whether owned by or commanded by Native Indian subjects of Her Majesty or by others.

3. We propose to alter the definition of "Native Passenger Ship" so as to mean vessels carrying more than sixty Native passengers, and to provide that servants in attendance on their masters are not to be counted as Native passengers. By this alteration, we consider we shall meet any objection which the Peninsular and Oriental, the British India and other large and well regulated Steam Navigation Companies might otherwise reasonably offer to being brought under the provisions of the Act.

4. We propose that the quantity of stored water shall not, even when the vessel is provided with a serviceable condenser, be less than at the rate of four gallons per head per week.

5. With a view to the case of ships owned by persons other than British subjects, we have provided that, when a Convention between the Indian and Turkish Governments has been entered into, to the effect that all Masters of Native Passenger Ships leaving a Turkish for an Indian port, shall execute a bond binding them to touch at Aden and get a clean bill of health from that place, the Master of any such vessel arriving without such clean bill of health, shall be liable forthwith to pay the full penalty of the bond.

6. We recommend that the Bill as thus amended be passed.

F. S. CHAPMAN.
J. F. STEPHEN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 5th March 1872.

A Bill to amend Act XII of 1870 (the Native Passenger Ships Act).

Preamble.

WHEREAS it is expedient to amend Act XII of 1870 (the Native Passenger Ships Act); It is hereby enacted as follows:—

Amendment of sec. 2, Act XII of 1870.

1. Instead of section two of the said Act, the following shall be read:

Extent of Act.

"2. This Act extends to British India and applies also to all subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty, and to all Native Indian subjects of Her Majesty without and beyond British India.

Act not to apply to Ships-of-War, &c.

"Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State."

Amendment of sec. 4.

2. Instead of the last paragraph of section four of the said Act, the following shall be read:

"Native Passenger Ship."

"The words 'Native Passenger Ship' mean a vessel, whether sailing or steam, carrying more than sixty passengers, being natives of Asia or Africa; provided that no person in attendance upon another person other than a native of India, shall be deemed a passenger for the purposes of this section."

Addition to section 12.

3. After section twelve of the said Act, the following proviso shall be added:

"Provided that, in the case of Steam Ships, the officer aforesaid may, if under the circumtsances of the case he thinks fit, reduce the space to be appropriated to passengers in the between decks under the requirements of this section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board."

Addition to section 21.

4. After section twenty-one of the said Act, the following proviso shall be added:

"Provided also that, in the case of Steam Ships provided with a condenser, the officer authorised in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this section to an amount not less than four gallons to every week of the declared duration of the voyage, for every passenger on board."

Addition after section 26.

5. After section twenty-six of the said Act, the following shall be read:—

Penalty on Master of Turkish Ship bound from Turkish to Indian port entering latter without clean bill of health in breach of Convention.

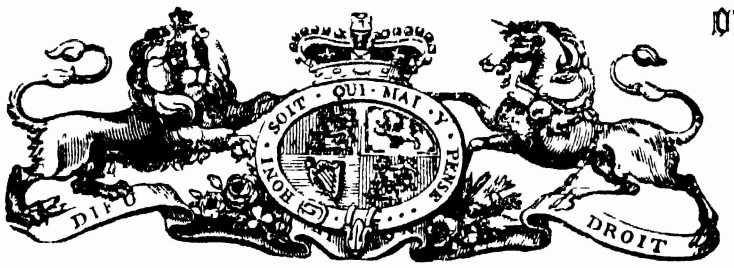
26A. Whenever a Convention shall have been entered into between the Governor General of India in Council and the Turkish Government that every Master of a Native Passenger Ship leaving a Turkish port or place and bound for any port or place in British India, whether it be owned by a subject of Her Majesty or not, shall execute a bond binding him in a penalty to touch at Aden, and not to proceed thence without a clean bill of health obtained in the manner provided in section twenty-five, any Master of any such ship, whether he be a subject of Her Majesty or not, who shall come into any port or place in British India without such clean bill of health, may be taken by the officer in charge of such port or place before any Magistrate having local jurisdiction, and on proof that such Master has come from a Turkish port or place, such Magistrate shall presume that such bond was duly executed by such Master, and in default of production of such clean bill of health, shall presume that the penalty mentioned in such bond has been incurred, and may award the full amount or any part of such penalty against such Master, and, in default of payment of such penalty, may recover it as though it were a fine imposed under this Act.

Act to be read as part of Act XII of 1870.

6. This Act shall be read as part of Act XII of 1870.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 12 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 23, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

REPORT ON THE RESULTS OF MR. LOGIN'S EXPERIMENTS IN GROWING COTTON ON THE EGYPTIAN SYSTEM.

No. 55, dated Allahabad, the 30th December 1871.

From—H. RIVETT-CARNAC, Esq., *Commissioner of Cotton and Commerce with the Government of India,*

To—*The Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce.*

I HAVE the honor to report that in accordance with the instructions of His Excellency the Viceroy and Governor General in Council, conveyed in your letter No. 136, dated the 1st ultimo, I have visited the several experiments undertaken by Mr. Login, C. E., F. R. S. E., in growing cotton in the Delhi and Ambala districts, and I have now to submit, for the information of the Government of India, the report called for in your letter under reference.

Order in which the experiments are noticed.

2. Mr. Login in his reports to the Superintending Engineer, which formed the enclosure of your letter, described the several experiments, as he saw them, on his march from Delhi to Ambala. The plots were visited by me in the reverse order, *i. e.*, on my journey from Ambala to Delhi. It will, however, perhaps be convenient to adhere to the order observed by Mr. Login, and I propose, therefore, to commence by noticing the experiments at the Delhi end of the Grand Trunk Road.

The experiment at Rai.

3. The first experiment is that at the Rai Rest-House, 20 miles from Delhi. A portion of the compound which surrounds the large brick barrack, built for the accommodation of European troops at Delhi when the cantonment is unhealthy, has been taken up for the purpose. The soil is quite up to the average of that of the surrounding country. The area of the plot is rather more than ¾ of an acre. The plants, in this and all the experiments, were raised from indigenous seed. I found them to be exceedingly fine, and I have no hesitation in saying that they were superior to any cotton plants I have seen in India. They were strong and well-formed, and as they had been carefully "topped," the plants had thrown out healthy branches which were well covered with young bolls. On one of the plants I counted seven main branches with 58 bolls, and although this was, perhaps, rather above the average,

there were many plants up to this standard. There was but little ripe cotton on the plants at the time of my visit, as the picking is carried on steadily, as quickly as the pods burst. Mr. Login informs me, however, that up to the 11th of December 273 lbs. of cleaned cotton had been picked from this plot of $\frac{3}{4}$ of an acre,* or at the rate of 365 lbs. to the acre; as regards the quality of the cotton, I shall refer to this subject after describing the experiments at the several plots, for the remarks under this head apply to all the experiments alike.

Treatment of the plants.

4. The treatment of the plants was that described by Mr. Login in paragraph 4 of his report. The seed had been planted in ridges at a distance of 3 feet by 2 feet, and plenty of space had thus been left for each plant to spread; and it is right to add that the growth made had been so satisfactory, and that the plants had filled out so well, that no space had been wasted by this arrangement, as is often the case when the growth of the plants is inferior, and the space left between the rows large. The soil, as mentioned by Mr. Login, is good, and had had the advantage of not being worked for several years. No manure was applied. It was weeded four times and watered six times. The irrigation had been carried on from a well situated just outside the boundary of the compound. The well is the property of one of the lumberdars of the village. This man had irrigated the adjoining patch also, which he had sown broad-cast with cotton according to the native method. The proximity of these two patches of cotton cultivation, the soil of which is identical, and in which the same sort of seed had been sown, afforded an excellent opportunity of comparing the merits of the two systems, and the superiority of Mr. Login's plants was very striking. The plants in the field sown according to the native fashion, though tall, had not branched freely, and the yield of cotton from such a field would certainly be less than one-half of that which would be gathered from a field of the same area containing plants like those in the adjoining Rest-House compound, cultivated on Mr. Login's system. And I am bound to say that the lumberdar's irrigated field again was far superior to the average of the native fields visited by me on the road, many of which, however, had not had the advantage of irrigation.

Superiority of this field over those adjoining.

Experiment at Lursowlie.

5. The next experiment visited was that near Lursowlie about 32 miles from Delhi. The experiment is a very small one ($\frac{1}{4}$ of a beegah), and has been undertaken by a native cultivator. The soil is good, and the field had had the advantage of irrigation from a neighbouring well. The seed had been sown, and the ridges had been thrown up in the manner advocated by Mr. Login. The plants were green and healthy, well clothed with foliage and bolls. No cotton had been picked, as the sowing had been unfortunately late, and the plants were backward. There is some fear of the crop suffering from frost, and the unripe bolls had suffered slightly from the boll-worm. One low well-branched plant in this field had 46 bolls on it. Mr. Login has not given me the quantity of cotton picked from this plot. But even if the yield is small, the experiment can scarcely be considered a fair one, as the sowing took place too late to admit of a favorable result.

Experiment at Duntooree.

6. I also visited the small plot belonging to Sahoo, a cultivator of Duntooree on the Grand Trunk Road at the 102nd mile from Delhi, and 18 miles from Ambala. The area of the plot is $\frac{2}{7}$ of an acre; the soil is good, and it was watered by a well situated within the enclosure. The plot had been manured and the weeds had been carefully removed, and the plants had been tended according to Mr. Login's directions. They were in good condition, though certainly inferior to those at Rai. The experiment had, however, suffered from the flooding of the markande. Up to the 11th of December the pickings from this field had, Mr. Login informs me, been at the rate of 134½ lbs. per acre, and more cotton is expected from this field. This experiment again, can hardly be said to have received fair play, as the heavy flooding it received from the river undoubtedly affected the outturn.

Experiment at Shahabad.

7. The field at Shahabad is the property of one of the lumberdars of the village, and is favorably situated just outside the town. It has a well in it, and it is certainly one of the best patches to be found in the neighbourhood. The area of it is $\frac{5}{16}$ of an acre. Next to the plot at the Rai Rest-House, this is the best field I saw. The soil is good, consisting of a light brown friable sandy loam of a depth of about 5 feet. It had been well manured, and carefully weeded. It had been three times watered. This field, although cultivated on the same system, had not filled up so well as the one at Rai, mentioned in paragraph 3 of my report. A plant scarcely above the average was 3½ feet in height, and had 34 bolls. Care had been taken to "top" the plants, and to keep them from growing too high. The ripe cotton had all been picked. The roots of a plant 6 feet high were examined, and it was found that the top root measured 2 feet 4 inches, exclusive of about 2 inches which had been broken off at the tip in

* The exact size of the plot, as given by Mr. Login, is 32,896 square feet, but as he points out, the trees interfere with the cultivated area, which is thus as nearly as possible $\frac{3}{4}$ of an acre.

removing it from the soil. The roots ramified freely, shewing a sufficient amount of nutriment near the surface and a well-worked soil. Mr. Login informs me that up to the 11th instant this field had produced clean cotton at the rate of 201⅓ lbs. to the acre. As in the instances already noticed the plants in this field, on the system recommended by Mr. Login, were found to be much superior to those in the adjoining fields.

Experiment at the Rest-House, 111 miles from Delhi.

8. I also visited the plot situated in the compound of the Rest-House at the 111th mile from Delhi, and 9 miles from Ambala. The soil is good, and until the present experiment was commenced, had not been touched for many years. The area of the experiment is $\frac{9}{20}$ of an acre. The plants were fine, the system of cultivation was the same as that noticed in former cases, with this exception, that the plot had not been irrigated; nor had any manure been applied this year. The plants were good, but inferior to those at Rai and Shahabad. They had been carefully "topped," and had branched freely. I hear from Mr. Login that up to the 11th instant, clean cotton at the rate of 192½ lbs. per acre had been gathered from this field.

Adjoining native field.

9. A native field, in the immediate proximity of this plot, was examined. The plants showed an inclination to branch, but as they had not been "topped," they were somewhat lanky in growth. Two of the best plants examined had, respectively, 41 and 52 bolls, but these were exceptional trees and well above the average.

Smaller experiment near Ambala.

10. I also visited several very small patches, situated in the compounds of bungalows between the last-mentioned Rest-House and Ambala. The plants in all of these were very much inferior to those already noticed. I have received no details from Mr. Login regarding the yield from these plots. As explained in Mr. Login's report, these last named experiments have had to contend with many disadvantages, and have been much damaged by the floods. And, moreover, although the land is good, and has been little worked, the plots are too much hemmed in by trees to admit of satisfactory growth. They ought, therefore, in fairness, to be put out of consideration in noticing the success of the experiments.

Results shewn in a statement.

11. It may be convenient here to shew, in a form of a statement, the results of the principal experiments undertaken by Mr. Login at the spots visited by me. These are given below. And it is to be borne in mind, with reference to the figures therein contained, that the yield of clean cotton entered in column 5, represents only the amount picked up to the commencement of this month. Mr. Login has been requested to send further particulars, which will be duly communicated to you as soon as received.

1.	2	3.	4.	5.	6.	7.	8.
Number of Plot.	Distance from Delhi.	Site.	Size of Plot.	Yield of clean cotton, beginning of December	How treated.	Rate of yield of clean cotton per acre, up to beginning of December.	Remarks.
						lbs.	
1	20 miles	Compound of the Rai Rest-House.	$\frac{3}{4}$ an acre	273¾	Ordinary native seed sown on ridges Ploughed six times. Irrigated six times. Weeded four times.	365	Soil good average. Had been under grass for several years. Plants extremely fine.
2	32 "	Lursowlie	$\frac{1}{6}$ "	No particulars received.	Same as above.	No particulars received.	Small patch cultivated by a native; sown late in the season.
3	102 "	Duntooree	$\frac{2}{7}$ "	38¼	Ploughed four times. Irrigated twice. Manured twice. Weeded six times.	134⅙	Belongs to a cultivator named Sahoo, who had managed the field carefully The country all round had been flooded, and much injured thereby.
4	108 "	Shahabad	$\frac{5}{18}$ "	63	Irrigated three times. Manured once Weeded four times.	201½	The property of the lumberdar. This had also suffered from inundation.
5	111 "	Rest-House	$\frac{9}{20}$ "	86⅔	Neither manured nor irrigated; weeded six times.	192½	In the compound of the Rest-House the soil had not been worked for years.

Highest yield—365 lbs. to the acre. Average of four fields, 223 lbs. to the acre.

12. The quality of the cotton produced, and the proportion of seed to cotton, has now to be noticed. I myself picked a small quantity of kuppas or cotton in the seed from Mr. Login's experimental plot at Shahabad. The kuppas was cleaned in my presence and gave the following results :—

	Quantity of kuppas.	Quantity of seed.	Quantity of clean cotton.	Percentage of fibre.
From Mr. Login's field	42 tolas.	29 tolas.	13 tolas.	31 per cent.

Some of the first pickings cleaned by Mr. Login gave rather a more favorable result, the proportion of cotton to seed being, if I remember right, nearly 33 per cent. This is a high percentage.

Proportion of cotton to seed.

13. I also picked, at the same time, some cotton from a field cultivated on the native system. This, on being cleaned, gave the following proportions of seed and cotton :—

	Quantity of kuppas.	Quantity of seed.	Quantity of clean cotton.	Percentage of fibre.
From a cultivator's field	9 tolas	6·5 tolas	2 5 tolas	about 28 per cent.

The cotton in question was about the average of the native fields. The cotton grown on Mr. Login's system thus shews a superiority of 3 per cent in the proportion of cleaned cotton to seed, and this is doubtless due to careful cultivation.

14. Next as regards the quality of the cotton. That grown by Mr. Login was carefully picked and cleaned, an advantage the native cotton seldom enjoys. Certainly, so far as cleanliness is concerned, it was far superior to ordinary native cotton brought into the market. The superiority in this respect is, however, to be credited to the great care taken in the preparation of the cotton, which on Mr. Login's experiments, was carefully picked day by day, as the pods burst, and none of which was allowed to fall on the ground and to lie there for several days, as is too often the case in the native fields. Native cultivators who grow cotton on a large scale cannot, as a rule, afford to entertain the labor necessary to prepare cotton in this manner, and they wait until the grain crops are cut, and labor is comparatively cheap, and then have their fields picked by contract.

Quality of the cotton.

15. I cannot say that, so far as the length of staple is concerned, I detected any marked superiority in the cotton that had been carefully cultivated. Nor, may I add, has this object been attained elsewhere. Specimens of Mr. Login's cotton and of the ordinary native cotton, have been sent to the Chamber of Commerce, and the opinion of these bodies on this subject will, when received, be duly forwarded for your information.

Specimens of the cotton sent to Chamber of Commerce.

16. The above remarks have had reference chiefly to the yield of cotton on the experimental plots cultivated under Mr. Login's direction, and it will hardly be contested that, so far as the yield is concerned, these experiments have been a marked success. For, as the statement at paragraph 11 shews, Mr. Login has succeeded in raising as much as 365 lbs. of clean cotton to the acre, whereas the average yield of four fields was at the rate of 223 lbs. to the acre. This is certainly a very large yield, the average yield from native fields is generally considered to be 80 lbs. to the acre, and this estimate is most probably above the mark, and in Upper India the average outturn to the acre is, perhaps, hardly more than 60 lbs. In the rich valley of the Poornah the yield per acre is placed at 100 lbs. during a good season, and even this figure is, if anything, rather high. Careful experiments have been made on the farms in Berar during the past three seasons, and our highest yield was in the case of a field at Sheagaon noticed below :—

Yield of Mr. Login's fields as compared with ordinary cultivation.

"No. 10 sown with Hingunghat cotton gave the largest yield of any. The area was 1 acre, 10 poles and from this alone 925 lbs. of kuppas was picked which gave 270 lbs. of cotton. The field was, however, land that had been lying fallow for years. It was, besides, thoroughly ploughed, and the immense yield can hardly be taken as a fair criterion. It serves to shew, however, what the indigenous plant can do in good soil. It is worthy of note that this field was hardly touched by the caterpillar, and out of the 925 lbs. of kuppas only 99 lbs. were classified under 3rd quality. This is only to be accounted for by the fact of the plants having matured more rapidly than the others, so that when the caterpillar came in numbers, the bolls were too

far advanced for their taste." The field was not watered or manured. Still this experiment was on rather too small a scale to be satisfactory, and in the Central Provinces and the Berars the experimental fields are seldom less than five acres.

Question of advantages enjoyed by the experiments.

17. I am not unprepared to hear it argued that these experiments of Mr. Login's have been conducted under favorable circumstances, and that from trials made on so small a scale, it is not possible to judge of the amount of success that would result if the system were generally adopted. Now, if such an argument were advanced, there would be a certain amount of truth in it. And I think it well to look such objections in the face, and to try and ascertain to what extent such arguments bear on the subject.

Season certainly not in their favor.

18. First as regards the season. The season has been by no means a particularly favorable one. On the contrary, the exceptionally heavy rain which fell early in the monsoon throughout Upper India, was very trying to the cotton crop, and many of the fields, as already noticed, suffered severely from the floods. The monsoon throughout Upper India was very trying to the cotton crop, and some of the fields of Mr. Login's experiments, as stated in an earlier portion of this report, suffered from the floods. So the experiments can hardly be said to have been unduly favored by the season.

The soil in experimental fields good.

19. Although the experiments had not the season in their favor, still it may fairly be said that the large yield obtained by Mr. Login is, to some extent at least, to be attributed to the advantages of soil, manure, and irrigation, which most of these experimental plots enjoyed. As far as soil is concerned, I should say that every plot was certainly equal to that of the best native fields In the experiments at the Rest-Houses the soil had not been worked for years, and this circumstance undoubtedly had its effect upon the yield. Plots 2 at Lursowlie, and 3 4 at Duntoorie and Shahabad, belonging to native cultivators, were certainly as good as could be found in the neighbourhood. They were in all three cases the property of the lumberdars, who do not pick out the worst land for themselves, and each plot had a well in it, and a well is generally put where the soil is good. Having no experience of the Punjab districts, I speak with some diffidence on the subject, and I may, perhaps, be incorrect in considering that these fields were quite the best that could be selected. But they certainly reminded me of what in the Central Provinces would be called the zemindars' "*Karee*" field, which, being generally the best in the village, is devoted to the growth of garden produce.

Manure used in some instances, not in others

20. In regard to manure, it will be noticed that in cases of fields Nos. 3 & 4, manure was used. It is difficult to say to what extent, exactly, the success of these experiments is due to this fact, but as is well known the scarcity of manure is one of the great difficulties in Indian agriculture. If the success of this system depended on the free use of manure, there would, perhaps, be little hope of its general adoption. But it is to be noticed that fields Nos. 1 & 5, which yielded 365 lbs. and 192½ lbs. respectively were not manured.

Cases in which fields are irrigated.

21. Then, as regards irrigation, it will be noticed that fields Nos. 1, 2, 3 & 4 had the advantage of several waterings. Here, also, it is impossible to say exactly how much of the success is to be credited to irrigation, and it must be admitted that if irrigation is absolutely necessary to its success, then this system can be made applicable to but a very small portion of the cotton-growing country. On the other hand, it is to be noticed that field No. 5 enjoyed neither the advantage of manure, nor of irrigation. And yet the yield up to the 11th December, was at the rate of 192½ lbs. per acre.

General advantage enjoyed by experiments from intelligent supervision.

Small scale of experiments.

22. But I think that the chief advantage the experiments have enjoyed, has been the intelligent supervision devoted to them by Mr. Login and his subordinates, who have followed the example of their chief, and have gained considerable practical knowledge, and evinced great interest in these improvements in cotton cultivation. And it has specially to be noticed that these experiments, which have been conducted with great care and which have been very perfectly supervised, have been on a very small scale; the largest was but ¾ of an acre. I may be wrong; but to this intelligent supervision and careful cultivation of the plants on good soil, I am inclined to credit the greater part of the success of the results. Now this intelligent supervision cannot be made available to any great extent. And as regards the careful cultivation, the great question arises, can all this be done on a large scale? and if so, at what cost? and will the cost repay the expenditure and leave an encouraging margin of profits? It is comparatively easy to tend with great care the plants on, say, one acre of ground, but can that same attention and supervision be devoted by a cultivator to the entire extent of his holding?

If not then he must hire labor. Is labor always available? and if so, what will it cost him to farm, say 20 acres, in this way? On these points the success of the system, I think, chiefly depends, and I believe it to be necessary that they should be carefully ascertained before any reliable opinion can be formed as to the prospect of the system being generally adopted by the native cultivator. And this can only be done by experiments being undertaken on a sufficiently large scale, and on a careful record of the expense and results being kept.

Proposed establishment of a farm in the Ambala Division.

23. It will be remembered that for some time since, the establishment of a model farm in the Ambala District has been under consideration. I have been in communication with the Financial Commissioner of the Punjab on the subject, and I understand from Mr. Egerton that he is in favor of such an undertaking. The subject has been referred to the Commissioner of the Ambala Division, who has evinced much interest in the matter, and I believe the question of a site is now under consideration. I would suggest then that on this farm careful experiments, on the system advocated by Mr. Login, be undertaken in communication with that gentleman, and that every variety of experiment on this system be tried, the plants being sown in the manner recommended by Mr. Login, and grown with and without the assistance of manure and irrigation. Each experiment should be 5 acres in extent, and at least 50 acres should be sown with cotton; the cost of cultivation and the outturn of the 50 acres being carefully noted.

24. If this recommendation is approved, I might, perhaps, be permitted to work out the details in consultation with the Commissioner of the Division and Mr. Login himself.

Acknowledgment of Mr. Login's services,

25. Lastly, I would beg to be permitted to express my opinion that Mr. Login has rendered a great service to the cause of cotton cultivation by undertaking these experiments, and by devoting so much intelligent attention to their carrying out, and I hope that the thanks of the Government of India may be accorded to him for his valuable exertions.

And of his assistants.

26. Mr. Login mentioned to me that his overseers, Zulphicar and Chokeeloll, have rendered him great assistance. Both these men accompanied me to the experiments, and it was evident that they had devoted much of their spare time to the subject, and had worked very intelligently and zealously. I think it most desirable to encourage men of this class to take an interest in our endeavours to improve the cultivation of cotton.

I would beg therefore to be permitted to present each of them with a silver watch of the value of Rs. 60 in recognition of their services. If further experiments are undertaken next year, I would feel particularly glad if I could secure the assistance of so intelligent a co-adjutor as Zulphicar, the overseer noticed above.

P. S.—The preceding paragraphs have had reference to the success that has attended the experiments in the Delhi and Ambala Division. I now append to this letter copies of the reports of some of the officers by whom the experiments on Mr. Login's system have been carried on in other parts of India. I was anxious that statements of the experience of these officers in this matter should accompany this report, which has accordingly been delayed for some days for the purpose. At the same time I think it desirable that these views should be kept separate from the points on which the Government of India desired me to report, and these papers are therefore submitted in the form of a postscript. These consist, (1) reports of experiments by Mr. Willock, Collector of Boolundshahr, and by the Superintendent of the farm there; (2) the report by Mr. Halsey at Cawnpur, on some experiments conducted on Mr. Login's system at that place. Reports on the other farms have yet to be received and will be duly submitted to you.

2. In the case of Boolundshahr it will be seen that the yield on Mr. Login's system on the several plots was as under:—

No of plot.	Area.	Variety of cotton grown	Quantity of kuppas picked up to 2nd December.	Yield of kuppas per acre.	Yield per acre of clean cotton, 31 per cent.
	A. R. P.		lbs.	lbs.	lbs.
1	1 0 25	Hingunghat ...	138	119	36 8
2	1 2 35	Bunnee	177	103	54 8
3	This plot was sown with Jurree cotton which, having proved to be unsuited to the climate, has up to date produced nothing.				

The rains in this part of country, as is well known, were extremely heavy, and this doubtless to some extent affected the success of the experiments. From my personal inspection, I can bear out what Mr. Willock says regarding the superiority of the cotton that was sown in ridges.

A copy of Mr. Pearson's report on the experiments at Cawnpur is annexed. Mr. Halsey the Collector of Cawnpur, who has taken a great interest in the experiment thus writes under date 29th ultimo:—

"I am not aware to what extent Mr Login has succeeded with his system of cultivation, but I shall be most happy to cultivate an acre of ground next year under his instruction and supervision, as I cannot understand how he succeeded last year, and we have failed this, adopting precisely the method given in his memorandum."

Since visiting Mr. Login's experiments, I have inspected the farms at Boolundshahr and Cawnpur. The experiments were conducted with great care and with every desire for their success. I think the failure in these two instances may be due to some extent to the unfavorable season already alluded to, but I think it will be agreed that they carry out the view expressed in paragraph 22 of my report, that Mr. Login's experiments, so far as their general adaptability is concerned, cannot be accepted as conclusive, and that further trials are required.

No. 68, dated Bulundshahr, the 4th December 1871.

From—H. D. WILLOCK, Esq., *Collector of Bulundshahr,*

To—*The Cotton Commissioner, Allahabad.*

I HAVE the honor to acknowledge the receipt of your letter No. 6407, dated 23rd November, with enclosures marginally noted, and calling for a report, from the Superintendent of the Cotton Farm, of the success of experiments on Mr. T. Login's ridge system of cotton cultivation.

Cotton Commissioner's Circular No. II, dated 23rd November 1871.
Printed papers regarding Mr. Login's experiments with cotton in the Punjab.
Printed papers regarding Mr. Login's instructions for growing cotton by Mr. Rickette

2. I enclose a report submitted by Mr. Simpson the Superintendent.

3. It is rather early in the season to give a correct report of the outturn of the crops grown as recommended by Mr Login, in comparison with others, as about ¼th of the crops remain to be picked, but still some conclusion can be obtained from the present state of the plants, and the anticipated yield.

4. You will perceive that Mr. Simpson would not recommend the unqualified adoption of the ridge system, and with his opinion I agree. I believe that the chief advantage of such cultivation would be that the plants would be well protected from damage by excessive rains, and that it would only be successful where water was abundant.

5. Mr. Login's system has been tried in our cotton farm, in my private garden, and in an ordinary field by Chowdry Luchmun Singh, zemindar of Shikarpur, and in none of these crops do I find that the plants are more healthy than those cultivated in the ordinary way. There is nothing remarkable about any of them, and a casual observer would not be struck by the strength or size of the plants. In one of my garden plots I planted Hingunghat cotton broad-cast, in the other, ridge sown well banked up from time to time. The soil in both plots was the same, and the crops received an equal amount of manuring and weeding. The broad-cast sown cotton is infinitely superior to the other. One-half (as in the case of the ridge sown) was "topped," and the height of the plants was consequently inferior, but in many cases the other plants sprang to six feet and drooped and fell in consequence. The ridge grown plants are poor looking compared to the others, and it is evident that they have derived no benefit from the position in which they were planted. I cannot tell at present the amount of kuppas likely to be gathered from either of the crops.

6. I translated an abstract of Mr. Login's directions for sowing according to his system, and circulated lithographed copies to the leading zemindars of the district. It has evidently not found favor in their eyes, for Chowdry Luchmun Singh is the only zemindar who has given it a trial, and he does not seem disposed to recommend such cultivation to his cultivators. I shall be glad, however, to give the system another trial on the farm before condemning it.

Dated Bulundshahr, the 2nd December 1871.

From—J. SIMPSON, Esq., *Superintendent, Cotton Farm,*

To—*The Collector of Bulundshahr.*

I HAVE now the honor of forwarding my report, as requested in the Cotton Commissioner's letter dated 23rd November, of the experiments made on the cotton farm during the past season in growing cotton on Mr. Login's (Egyptian) system.

2. The varieties experimented with were Hingunghat, Bunnee, and Jurree (all three Central India varieties); the seed of the two former varieties was raised on the farm last year, and the seed of the latter was raised from Oomraotee Farm, East Berar.

3. The soil of the three plots is very similar, being a sandy loam of middling quality, generally known here amongst the natives as sewta.

4. Plot No. 1, sown with Hingunghat seeds, measures 1 acre 25 poles, and was prepared as follows:—Irrigated 15th April. Ploughed (with native plough) on the 18th, and again on the 21st; the land was then allowed to remain in the rough state, until the 1st June, when it was again irrigated, and then reploughed on the 6th and 7th June after the myrah had been drawn over the surface, to break down any lumps. Coolies were put on with the maujah, to throw up the soil into ridges, the ridges were raised from 8 to 10 inches high, and three feet apart, as the ridges were made up, the seeds (which had been rubbed in fresh cow manure in order to make them separate freely) were inserted by hand to a depth of two inches, and distant about eighteen inches in the row. The seeds, although got into the soil when nice and moist, were rather backward in germinating, until some rain fell on the 12th and 13th, after which they came up capitally, and made good progress. A shower of rain which fell on the 21st kept up the vigour of the plants until the monsoons fairly set in, the seedlings having attained one foot in height, were thinned out on the 10th July. Great care was taken in selecting the strongest and most promising plants, no attention was required from this date (besides letting off surplus water) until the 26th, on which date the field was weeded and the surface well loosed up with the kourpa. Nothing further was done to the plants until the 30th August, when all plants close upon four feet high had their leading shoot "topped" in order to encourage lateral growths. The field was again weeded on the 6th September, by which time the plants had mostly a good show of flower-buds and pods on them (some of the latter being well advanced towards maturity), and looked nice and healthy, but towards the end of the month the plants began to loose color, and a heavy shower rain which fell on the 26th damaged the plants considerably, knocking off a great many of the buds and pods. A few early pods having opened were gathered (16 lbs.) on the 10th October; it was again picked over on the 21st, when 22 lbs. were obtained, and irrigated for the first time the 27th (which was the earliest date on which water was obtainable); re-picked on 5th November, 46 lbs. being obtained again; irrigated on the 11th November, and re-picked on the 5th, when 54 lbs. was obtained from it, making a total yield up to date of 138 lbs. of kuppas.

5. Plot No. 2, sown with Bunnee, is in extent 1 acre 2 roods 35 poles, and was prepared in exactly the same manner as the above, the operations being performed on the following days. The ridges were made up and the seeds inserted on the 8th June, but owing to the high temperature taking up the moisture so rapidly, the seed germinated but very indifferently until the rains fell on the dates given above, after which they came on rapidly, and being nearly one foot high, were thinned out on the 13th July; the plants were weeded twice, on the 29th July and 31st August, and on the 8th of September the plants being on an average of 3½ feet high had their leading shoot "topped," the plants had at this time a fine show of buds and pods, and gave promise of a good outturn, but a great many of both were stopped off by the rain which fell on the 26th September. A few early bolls having opened, 9 lbs. of kuppas were picked on the 11th October, and again on the 6th November, 62 lbs. were obtained. The plants were irrigated for the first time on the 8th November, and repicked on the 26th November, when 106 lbs. were obtained, thus making the total yield up to date 177 lbs. of kuppas.

6. Plot No. 3, sown with Jurree cotton, was prepared in the same manner as the above, and the seeds sown 14 days later, but as the plants up to this time have produced nothing, it will be needless to give any further details of this experiment. But in addition to details given above, I would here add that each plot, previous to being ploughed, was manured with village manure at the rate of 90 maunds (of 80 lbs.) per acre.

7. Having given details of experiments made during the past season, I here beg to add that my opinion of the ridge-system of cultivation is, where lands are liable to be inundated during the rains, a capital plan, and also in localities where water can always be obtained when required for irrigation, I believe it equally good, but in lands which are entirely dependent on the canal water for irrigation, as is the case with the farm and all experiments here, I would certainly prefer the chances of flat cultivation on the line system, not that the expenses incurred in sowing on ridges are so much greater, but simply because I believe the crops would not be so readily injured through want of moisture, when grown on the flat line system, as they would be if sown on ridges, and both to be deprived of irrigation as was the case with the above experiments, for, from the setting in of the rainy season, until the 25th October (which was exactly one month from the date of the last rain that fell, and a fortnight after the first kuppas had been picked), not a drop of water was available for irrigation.

Dated Cawnpur, the 29th December 1871.

From—W. S. HALSEY, Esq., *Collector of Cawnpur,*

To—*The Cotton Commissioner of Allahabad.*

I HAVE the honor to enclose the report of the Superintendent, Model Farm, on the experiments in cotton cultivation during the past season.

The rains this year have been highly unfavorable to cotton cultivation, and the situation of the land, with its defective drainage, has contributed to the failure of the experiments.

So far as they go, they have been carried out with the greatest care and regardless of expense, and (short of a different climate, soil and manure) under the circumstances nothing was left undone to secure success.

I regret very much they have one and all failed to show any improvement over the native cultivators, and, as Mr. Parsons very truly says, we can detect little or no advantage from the superphosphate of lime.

This was manufactured by ourselves in accordance with a formula taken from Morton's Encyclopædia of Agriculture. We tried it both dry and in the form of liquid, and, beyond the fact that the quality of the staple is slightly less harsh, there is no appearance of the plant having derived any benefit from it. It may be the deluge of rain, from which we suffered, diluted it to such an extent, that its effect was imperceptible, but if that is the case, it is evident it is not the class of manure to use for a rainy season crop.

The best results obtained were from the ridge system at two feet apart, and I am inclined to think eighteen inches will give even a better yield.

The most curious thing is the state of the Hingunghat crop on plot No. 3; it is now growing most luxuriously and is covered will bolls, which unfortunately the frosts prevent maturing. This is a defect which I have observed during each of the last three years, and I am now quite satisfied it is not suited for this climate.

As Mr. Parsons has pointed out cotton sown during the hot weather makes no progress until the rains fall, and beyond tilling the ground and getting ready for the first fall of rain, I can find no advantage in cultivating by means of irrigation.

I am not aware to what extent Mr. Login has succeeded with his system of cultivation, but I shall be most happy to cultivate an acre of ground next year under his instructions and supervision, as I cannot understand how he succeeded last year and we have failed this, adopting precisely the method given in his memorandum.

If we turn to the average outturn of this district per acre, we find that, in our best plots, we are not behind our native friends, although at present they certainly have nothing to learn from us.

In 1870 there were 84,261 acres under cotton, from which 48,366 maunds were collected, that is, 47 lbs. per acre.

In 1871, there have been 68,443 acres under cotton, producing 39,471 maunds, equal to 56 lbs. per acre. I may also add we have a most magnificent crop of urhur, which was sown along the borders of all these fields, still to be reaped, and which I expect will keep the cattle on the farm for several months.

I also enclose a plan of the land for easy reference.

Dated the 22nd December 1871.

From—A. PARSONS, Esq., *Supdt. in charge of Agricultural experiments, Model Farm,*

To—The Collector of Cawnpur.

I HAVE the honor to forward you a report on the experiments with cotton, conducted at the Model Farm during the past season, having reference chiefly to the system of cultivation recommended by Mr. Login.

The site of the experiments is situated on the north-east side of the farm, and is sheltered by tall trees on the west, south and south-east sides.

The soil resembles that of the North-Western Provinces generally, and may be described as a light sandy loam.

Operations commenced the latter part of May by manuring, irrigating and ploughing the land.

Good farm-yard manure, made on the farm, was applied at the rate of 18 tons to the acre.

The land was ploughed with English plough to a depth of six inches, and subsequently cleaned and levelled by coolies.

The amount of land devoted to the experiments was 3⅛ acres, which was divided into eight plots, five of ½ acre each, and two of ¼ acre, and one of ⅛ acre.

Plot I, consisting of ¼ acre, was treated as recommended by Mr. Login, ridges 4 inches in height were thrown up at intervals of 3 feet, and seed of the North-Western country cotton sown on the 5th of June, 3 seeds were sown in the form of a triangle thus *** 2 inches apart at intervals of 3 feet, consequently the plants before being thinned were 3 feet apart in every direction.

The seeds germinated freely and the plants were above ground by the 12th, but made very little growth until the rains set in.

The plot was weeded by hand, July 4th, and plants thinned, July 14th, a second and third weeding took place August 7th, and September 15th respectively.

By August 7th, the greater portion of the plants were 3 feet in height and were then "topped" which induced them to throw out several branches; these did not, however, cover all the ground, there being, when the plants had completed their growth, sufficient space for as many more as the plot contained.

The plants commenced to bloom August 15th, but owing to the heavy rains, during that and the following month, the produce of these flowers was very inferior owing to attacks from the boll-worm.

The first kuppas were gathered September 30th, and was continued every 3 or 4 days up to November 30th, when the plants ceased bearing.

The total yield of kuppas was 40 lbs. which gave 13 lbs. of clean cotton, or at the rate of 52 lbs. per acre.

Plot II, consisting of ½ an acre, was treated precisely as plot I, with the exception of being sown a week later, and 25 maunds of superphosphate of lime applied to the land in a liquid state the day after sowing the seed.

The first kuppas was gathered October 3rd, and continued up to December 10th, the total yield being 72lbs., which produced 22lbs. of clean cotton.

Plot III, also ½ an acre, was sown June 15th, with Hingunghat cotton in alleys 3 feet apart, and 2 inches below the general surface of the ground. Superphosphate of lime was applied as in plot II the day before sowing.

The plants suffered considerably from the heavy rains, through being sown too low, and generally presented an unthrifty look till the middle of September, when the dry weather set in. The plants were earthed up, August 1st, and the soil between the rows loosened and levelled.

The plants were "topped" when 3 feet in height, the gathering began, October 17th, and ended November 30th, the yield being only 9½lbs. of kuppas and 3 of clean cotton.

At the present date the plants present a more luxurious appearance than those in the other plots, but the weather is now too cold to mature the bolls.

This kind suffered more than the indigenous variety from the boll-worm; a quantity of the bolls being quite worthless, and were not gathered.

Plot IV, ⅛ of an acre, was treated the same as plot II, but sown a week later; the gathering began, October 2nd, and ended December 8th, yielding 19 lbs. of kuppas and 6 of clean cotton.

Plot V, ¼ acre, was sown broad-cast with country cotton, June 27th. A quantity of the seed failed to germinate, consequently the plants were much thinner than was at all necessary; 12½ maunds of superphosphate of lime was applied before sowing.

The plants were not "topped" and grew to 4 and 5 feet in height.

The picking began October 7th, and ended December 8th, yielding 29 lbs. of kuppas and 9 of clean cotton.

Plot VI, ½ an acre of Hingunghat, was sown June 25th, and treated the same as plot I, with the addition of being watered with superphosphate of lime, August 27th.

The gathering took place from October 27th to November 30th, and yielded 20 lbs. of kuppas, and 6 of clean cotton.

Plot VII, half an acre of North-West country cotton, was sown, June 27th, on ridges two feet apart, and the plants thinned to the same distance.

These did not grow so strong as those in the other plots of the same kind, but presented a uniformly medium growth throughout; the picking continued from October 14th to December 10th, and has given the best yield of all the plots, being 94 lbs. of kuppas and 28 of clean cotton.

Plot VIII, half an acre of North-West country cotton; sown July 2nd, was treated the same as plot VII, with the exception of not being on ridges; the plants presented much the same appearance, but have not yielded quite so much, the outturn being 78 lbs. of kuppas and 24 of clean cotton.

Appended to the report is a collated statement of the treatment and yield of all the plots.

The experiments have not proved very satisfactory; the chief cause of failure, however, may be accounted for by the rainy and general unfavorable season we had, consequently the experiments will have to be conducted another year in order to obtain definite results.

The seed in all the plots was sown too thin, which in future experiments will have to be guarded against.

The advantage of sowing on ridges in rainy districts was very apparent this season, the plants so treated were more luxuriant and healthier during the rains than those sown in the usual manner.

In a dry season, however, it would, I think, be no advantage whatever, but the contrary; the plants would then be subjected to a still greater degree of dryness

The superphosphate of lime does not appear to have produced any very marked results, certainly not in the yield; but the staple appears somewhat softened, not being so harsh to the touch as the country cotton generally is.

The plants in plot I maintained the lead all the season, but no advantage is gained by sowing before the rains set in, while there is the additional cost of irrigating the land for ploughing.

Statement of Experiments in Cotton Cultivation at the Model Farm, Cawnpur, 1871.

Name.	No of plot.	Area in Acres	Preparation of ground	Date of sowing.	Date of picking.	Yield of kuppas.	Yield of clean Cotton.		Total Yield	Percentage of clean Cotton	
							1st quality.	2nd quality.		1st quality	2nd quality
						lbs.	lbs.	lbs.	lbs.		
N W Country ...	1	·25	Manured with farm yard. Manure irrigated and ploughed, end of May	June 5th ..	September 30th to November 30th.	40	13		13	32	
" " ...	2	·50	Same as plot I, with 25 maunds of superphosphate of lime applied in liquid after sowing.	June 12th ...	October 3rd to December 10th.	72	22	...	22	30	
Hingunghat ...	3	·50	Same as plot I, superphosphate applied as in plot II before sowing.	June 15th ...	October 17th to November 30th.	9½	3	...	3	33	
N. W. Country ...	4	·125	Same as plot I, with six maunds of superphosphate of lime applied after sowing.	June 19th ...	October 2nd to December 8th.	19	6	...	6	31	
" " ...	5	·25	Same as plot I, with 12½ maunds of superphosphate of lime applied before sowing.	June 27th .	October 7th to December 8th.	29	5	4	9	33	28
Hingunghat ...	6	·5	Same as plot I, watered with superphosphate of lime, August 27th.	June 25th ...	October 27th to November 30th.	20	4	2	6	28	33
N. W. Country ...	7	·5	Same as plot I ...	June 27th ...	October 14th to December 10th.	94	28	...	28	30	
" " ...	8	·5	Same as plot I ...	June 2nd ...	October 16th to December 19th.	78	24	...	24	3	

Nos. 68 to 71.

Extract from the Proceedings of the Government of India in the Department of Agriculture, Revenue and Commerce,—dated Fort William, the 20th March 1872.

FIBRES and SILK.

READ again—

A report by Mr. Login, Executive Engineer, dated 20th October 1871, on certain experiments in the cultivation of cotton.

Read again—

Letter No. 136, dated the 1st of November 1871, forwarding said report to the Commissioner of Cotton and Commerce, with certain orders.

Read—

Mr. Rivett-Carnac's reply No. 55, dated the 30th of December last.

RESOLUTION.

1. The Governor General in Council has perused, with much interest, Mr. Rivett-Carnac's Report on the results of Mr. Login's experiments in growing cotton on the Egyptian system.

2. Experiments on a larger scale will be necessary to enable Government to determine how far Mr. Login's plan of cotton culture is likely to prove generally successful, and how far the favorable results which he has hitherto obtained have been due to the extreme care bestowed by him and his subordinates on the undertaking.

3. Under any circumstances, Mr. Login is entitled to the thanks of Government for the attention which he has paid and the labor he has devoted this most important national object—the improvement of the cotton cult of India.

4. Mr. Rivett-Carnac's suggestion in regard to Mr. Login's two overse is approved.

5. The Governor General in Council will be very glad if His Honor the Li tenant-Governor of the Panjáb can arrange for the further prosecution of th experiments, as suggested by the Commissioner of Cotton and Commerce.

ORDER.—Ordered, that Mr. Rivett-Carnac's Report and this Resolution be published in the Supplement to the *Gazette of India.*

Ordered, that a copy of the Report and of this Resolution be forwarded to the Government of the Panjáb, with reference to its letter No. 899 of the 11th December last, and in view to the further prosecution of the Ambála experiments.

Ordered, that copies of the Resolution be forwarded to the Commissioner of Cotton and Commerce and to Mr. Login for information.

Ordered, that a copy of the report and of the Resolution be sent to the Public Works Department, with a request that overseer Zulfikar's services may, if possible, be placed, when needed, at Mr. Rivett-Carnac's disposal.

(True Extract.)

A. O. HUME,

Secretary to the Government of India.

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, THURSDAY, MARCH 28, 1872.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

[First Publication]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to define and amend the Law relating to Contracts, Sale of Moveables, Indemnity and Guarantee, Bailment, Agency and Partnership was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Secretary of State for India (Judicial), No. 42, dated 14th September 1866

Second Report of Her Majesty's Commissioners appointed to prepare a body of Substantive Law for India.

Report on Native papers for the week ending 17th August 1867

Note by the Assistant Secretary in the Home Department (Legislative) on the Second Report of the Indian Law Commissioners.

From Secretary to Chief Commissioner, British Burma, No. 2188/215, dated 4th November 1867

Remarks by Hon'ble Sir W. Morgan, Chief Justice, High Court, North-Western Provinces, on Part IV.

Observations by the Assistant Secretary to Government of Bengal, Legislative Department

From Under Secretary to Government of Bengal, No. 6680, dated 20th December 1867, and enclosure.

Remarks by John Cochrane, Esq., dated 18th December 1867

From Under Secretary to Government of Bengal, No. 6759, dated 30th December 1867, and enclosure.

Observations by the Officiating Deputy Commissioner, Delhi, dated 18th December 1867.

Further remarks by John Cochrane, Esq., dated 24th December 1867.

From First Assistant Resident, Haidarábád, No. 45, dated 12th December 1867, and enclosures.

Certain questions by Major General the Hon'ble Sir H. M. Durand, dated 16th December 1867

Note by C D Field, Esq, dated 14th January 1868.

Remarks by Rae Chunna Mull of Delhi, dated 15th January 1868

Note by Assistant Secretary to Government of India, Home Department (Legislative), dated 24th January 1868.

From Junior Secretary to Government of Bengal, No. 495, dated 28th January 1868, and enclosure

From Civil and Sessions Judge of Rájsháhi, No. 41, dated 31st January 1868

From Deputy Commissioner, Lohárdága, No. 1069, dated 7th January 1868.

From Judicial Commissioner, Chota Nágpur, No. 7, dated 31st January 1868

From Under Secretary to Government of Bombay, No 328, dated 31st January 1868, and enclosures.

Remarks by Secretary and Treasurer, Bank of Bengal, dated 11th February 1868.

From Secretary of State for India, No. 42, dated 14th September 1866, and enclosures

From Secretary of State for India, No. 8, dated 8th February 1867, and enclosures

From Commissioner of Mysor, No 105-8, dated 2nd April 1868, and enclosures

2. We have recast Parts I, II and III of the original Bill, composing the first sixty-one sections, and have thrown the provisions which they embodied into a form which appears to us to be simpler and more intelligible. In particular, we have remodelled that portion of the Bill which treats of contracts in general, and which, as it originally stood, was, we thought, somewhat obscurely arranged. The fundamental terms of the subject have also been more precisely defined. The following are the grounds of the alterations which we suggest:—

3. Section 4 of the Bill is in these words—'A contract is an agreement between parties, whereby a party engages to do a thing or engages not to do a thing. A contract may contain several engagements, and they may be either by the same party or by different parties.'

From Secretary to Government, North-Western Provinces, No. 425, dated 18th April 1868, and enclosures.
From J. W. B. Money, Esq., Barrister-at-law, dated 21st May 1868.
From Officiating Magistrate and Collector of Nadden, No. 1688, dated 26th August 1868, and enclosure.
From First Judge, Calcutta Small Cause Court, No. 39, dated 7th September 1868, and enclosures.
From Registrar, High Court, Calcutta, dated 8th September 1868.
Minute by Hon'ble H. S. Maine, dated 11th September 1868.
From Secretary to Government, Panjáb, No. 915, dated 3rd April 1868, and enclosures.
From Chief Secretary to Government, Fort St. George, No. 691, dated 28th April 1868, and enclosures.
From Commissioner of Coorg, No. 81-5, dated 29th April 1868.
From Secretary to Government, North-Western Provinces, No. 219, dated 6th May 1868
From Secretary to Government, Panjáb, No. 616, dated 11th May 1868.
From Under Secretary to Government, Bombay, No. 1478, dated 19th May 1868, and enclosure.
From Under Secretary to Government, Bombay, No. 1505, dated 29th May 1868.
From Secretary to Chief Commissioner, British Burma, No. 171-6, dated 10th June 1868, and enclosure.
From Secretary to Government, Fort St. George, No. 1108, dated 14th July 1868, and enclosures.
From Under Secretary to Government, Bengal, No. 4411, dated 10th August 1868, and enclosures.
From Secretary to Chief Commissioner, Oudh, No. 3782, dated 7th September 1868, and enclosures
From Secretary to Chief Commissioner, Oudh, No. 3903, dated 14th September 1868.
From Assistant Secretary to Chief Commissioner, Central Provinces, No. $\frac{3009}{108}$, dated 16th September 1868, and enclosures.
From Secretary to Government, Panjáb, No. 1567, dated 3rd December 1868.
Despatch from the Right Hon'ble the Secretary of State for India, No. 7, dated 18th March 1869.
Despatch from the Right Hon'ble the Secretary of State for India, No. 8, dated 18th March 1869.
Note by Hon'ble J. F. Stephen, dated 6th February 1870.
Despatch from the Right Hon'ble the Secretary of State for India, No. 47, dated 24th November 1870.
Notes by the Hon'ble Members on Secretary of State's despatch, No. 47, dated 24th November 1870.
Despatch from the Right Hon'ble the Secretary of State for India, No. 11, dated 23rd February 1871.
From P. W. Department, No. 1809R, dated 25th September 1871, forwarding letter from Secretary to Government, Panjáb, P. W. Department, Railway Branch, No. 3078G. dated 9th September 1871, and enclosures.
Note by Hon'ble J. F. Stephen, dated 29th October 1871.
From P. W. Department, No. 167 G. R. dated 31st January 1872.
From Financial Department, No. 1338, dated 23rd February 1872, and enclosure.
From Secretary to Government, Bombay, No. 1257, dated 18th March 1872.

Throughout the Bill, the expressions 'agreement,' 'contract,' 'binding agreement,' 'engagement' and 'engagement by contract' are used indiscriminately. This wording appeared to us to be wanting in precision, and we have endeavoured to place the subject in a clearer light by a definition of contract, which is based on the following theory: The first step towards a contract is a proposal. If the proposal is accepted, it becomes a promise. Where two men agree, either by proposal and acceptance of a promise, or by entering into reciprocal promises, there is an agreement; and, if the agreement is not purely gratuitous, that which causes it is its consideration. These terms proposal, promise, agreement, consideration are all in common use, and fitly describe relations which arise between man and man quite independently of law. What difference, then, does the law make? It enforces some agreements, it does not enforce others, and there is a third kind which it enforces at the option of one party to them, but not at the option of other parties. An agreement to commit a crime, an agreement to sell a horse, and an agreement obtained by misrepresentation, are all agreements; but the law will not enforce the first at all; it will enforce the second at the option of either party, and the third at the option of one party, but not of the other. All agreements may be put into one or other of these three classes; those which cannot be enforced at all we have called void agreements; those which can be enforced by any of the parties we have called contracts; and those which can be enforced at the option of one party only, we have called voidable contracts.

4. In some cases, a contract which, when made, is enforceable, ceases to be enforceable owing to subsequent occurrences, as, for instance, when a person contracts to paint a picture, and dies before he can complete it. In this case the contract becomes void.

5. By defining these fundamental terms, we think that the Act is made much clearer throughout, and, in particular, it becomes easy to arrange it in a systematic way.

6. The first point to be dealt with is, obviously, the law as to proposals, which are the first step towards a contract. Accordingly, chapter I of the draft deals with the communication, acceptance, and revocation of proposals. Its provisions do not differ very materially from sections 6 and 7 of the Bill, but they are adapted to some extent from the New York Civil Code.

7. Sections 6, 8, 9, 10 and 11 in the Bill treat of the validity of contracts under certain circumstances; but it seemed to us that they are not so drawn as to convey readily to the mind of a student the general theory on which they rest. They correspond to chapter II (sections 10-30) of the present draft, which embodies them all, with the addition of a few sections suggested by, or adapted from, the New York Code. The theory on which the whole subject depends is contained in section 10 of the present draft, which explains the rest. 'All agreements are contracts, if they are made by the free consent of parties competent to contract, for a lawful consideration, and with a lawful object, and are not hereby expressly declared to be void.' Each member of this proposition is then separately explained. Section 11 defines who are 'competent persons,' and section 12 defines 'soundness of mind,' which is an element of competency; section 13 defines 'consent'; section 14 specifies the five causes—namely, coercion,

undue influence, fraud, misrepresentation and mistake—which may interfere with the freedom of consent; section 15 defines 'coercion'; section 16 defines 'undue influence'; section 17 defines 'fraud'; section 18 defines 'misrepresentation'; section 19 describes the effect upon an agreement of coercion, undue influence, fraud, and misrepresentation; and sections 20 and 22 deal with the effects of mistakes in fact and law.

8. These sections together give, broadly and fully, the meaning of a valid contract and of the nature of the elements of which it is composed. The following sections, 24-30, declare what agreements are void. These matters in the original draft are mixed up indiscriminately with its other provisions. Thus, agreements void for uncertainty are dealt with in section 12, between the subject of mistake and that of consideration. It is not expressly said, but only implied (section 13), that an unlawful agreement is void, and section 13 is somewhat clumsy. Nothing is said as to agreements in restraint of marriage or trade, or as to wagers, or as to agreements not to sue. We have recommended distinct provisions to be made for the effect of an unlawful object or consideration, the absence of consideration, contracts in restraint of marriage or trade, and contracts in restraint of legal proceedings; contracts the meaning of which cannot be ascertained, and contracts by way of wager. As to contracts in restraint of legal proceedings, we have provided, in section 28, that while, on the one hand, a contract, by which a person is restricted absolutely from enforcing his claims in Court, is void; on the other hand, parties may agree that, in the event of a dispute arising between them in respect to any specified matters, it shall be referred to arbitration, and that only the amount awarded in such arbitration shall be recoverable. We recommend that, when such a contract to refer has been made, it shall be a bar to any action brought in respect of the matters to which it relates, other than an action for the amount awarded in arbitration. This appears to us to embody the results of the latest English decisions, and to be consonant with justice and good sense.

9. Sections 14-17 of the original Bill are replaced by chapter III of the Draft now submitted, headed "Of Contingent Contracts." The original sections appeared to us to mix up two matters which are essentially distinct, namely, (1) agreements contingent upon an event collateral to the agreement—as, if A contracts to pay a sum of money to B, if B lives to be twenty-one. (2) Reciprocal promises—as, if A contracts to pay for a horse, if B delivers it. The result is a good deal of confusion. It is difficult to see why sections 14, 15 and 16 of the Bill are separated by nine other sections from the seven sections which are put under the heading "Of Conditional Contracts." When carefully examined, it will be apparent that the attempt to simplify by neglecting the distinction to which we have referred has caused this, and that the result is to make a clear subject obscure. It also introduces, we think, positive error. Thus, sections 26 and 27, taken together, provide that 'an engagement by contract may be made with the condition superadded that it shall be terminated in case a specified uncertain event shall happen;' and that, 'if at the time of the contract the event is repugnant to law or morality,' the condition is invalid. Suppose a man engages, by contract, to carry goods safely unless they are taken from him by thieves or robbers, the contract is clearly good; yet, under the terms of these sections, the condition would be void. This arises from the neglect to distinguish between conditions independent of a contract, and conditions which form a part of the contract. It is surely one thing to contract to indemnify a man if some one else robs him, and another to contract to indemnify him if he robs some one else. Each contract contemplates the commission of a crime; but the first regards it simply as a possible contingency, the second involves a promise to commit it. Besides this, it is extremely difficult to make any clear distinction, if the arrangement of the Bill is maintained, between the provisions of sections 26 and 27, referred to above, and those of section 13, which relates to consideration. According to section 13, it is essential to the validity of a contract that there should be a good consideration, and lawfulness is essential to the goodness of a consideration. By section 14, a condition may be something which constitutes the consideration; by sections 26 and 27 the condition 'must not be repugnant to law.' If the condition is part of the consideration, sections 26 and 27 re-enact, in a somewhat obscure and disjointed way, what is enacted much more clearly by section 13.

10. The present draft is intended to avoid this by separating three cases—

1. The consideration for the contract. This is provided for in sections 24 and 25.

2. The case of agreements made contingently upon some event independent of them. This is provided for in chapter III, sections 31-36.

3. The effect which the relation between reciprocal promises has on the order in which they are to be performed. This is provided for in sections 51 to 58, which form one of the sub-divisions of chapter IV "Of the Performance of Contracts."

11. No doubt the word 'condition,' or 'conditional,' might be applied in a popular way to each of these three matters. If A's promise is the consideration of B's; or if A makes a promise to B contingently on C's death; or if the intention is to say that, if A promises to pay for B's horse on delivery, A need not pay unless and until B is ready to deliver—it might be said that the consideration of A's promise in the first case, C's death in the second case, and B's readiness to deliver the horse in the third case, were respectively the *conditions* of A's promise, or that A's promise was *conditional* upon them; but we think that, if the sections to which we have referred (namely, 24 and 25, and 51 to 58 of the draft) are read and compared with the

corresponding sections (13 to 31) in the Bill, it will be found that the distribution of the subject under the three heads now suggested makes it much clearer.

12. Section 32 of the original Bill has been omitted. Its substance is disposed of in the Evidence Act.

13. The sections in the Bill (33 to 51 inclusive) relating to Performance of Contracts are not arranged upon any particular principle, though they appear sound in substance. We propose to arrange them as follows:—

Contracts which must be performed:
By whom contracts must be performed:
Time and place for performance:
Order of performance of reciprocal promises:
Appropriation of payments:
Contracts which need not be performed.

14. These headings appear to place the subject in its natural order, which is not the case with the original Bill. The arrangement there adopted is such, that the general principle that each party to a contract must perform his own part in it, unless he is in some way excused from doing so, is nowhere plainly laid down. The first section (33), which relates to the subject, lays down a principle of no great or general importance, namely, that a man may, in certain cases, perform a contract vicariously; so, too, the draft Bill puts the subject of Tender (sections 45, 46) at the very end of the chapter. It ought, in our opinion, to come at the beginning, as a qualification upon the general rule that contracts must be performed. We have accordingly placed it there (see sections 37, 38). As to the question by whom contracts should be performed, the original Bill is arranged in a rather confused way. In sections 33 and 34 it provides for two unimportant matters about delegating the performance of a contract, and accepting performance by a third person. It then goes on (sections 35, 36), to a most important matter—dispensation from an old contract and the substitution of one contract for another; and, after an interval of ten sections, it provides for the devolution of liabilities on the representatives of contractors (sections 47-50). It appears to us that sections 35 and 36 fall properly under the head of 'Contracts which need not be performed;' and sections 47 to 50 under the head of 'Persons by whom Contracts must be performed.'

15. Part III of the Bill relates to what are commonly called quasi-contracts. As to this we have omitted sections 54 and 55. The Law of Evidence provides, to a large extent, for the cases referred to in section 54, by the rule that one party to a contract is precluded from setting up a state of facts other than that which he caused or intentionally allowed the other party to believe to exist. Section 55 seems to us to belong more properly to the law of torts. Illustration (*c*), especially, is a pure case of an action for misrepresentation, and the mode of the damage which the misrepresented

16. [illegible] special branches of the law of contract, which, at present, are regulated either by express legislation or recognized custom, *e. g.*, the law of Shipping, of Bills of Exchange, Insurance, Master and Servant, Carriers, &c. This omission renders the present Bill so far incomplete; but we consider this incompleteness a less evil than the inconvenience of dealing with so many varied and intricate subjects in a single enactment. It will be easy at a future period, when the present Bill has been for a time in operation, and its results have been practically tested, to deal with all or any of the subjects above referred to, and to add them as a new chapter to the Act. With this view leave has already been asked to introduce a Bill to amend and consolidate the law relating to Carriers, and it would no doubt be desirable that the law of master and servant should at an early date be put into a clearer form than that in which it is at present. No sufficient information has at present been collected to render legislation on this subject safe.

17. As to the question of title in the vendor, the original Bill provided that a *bonâ fide* purchase from the person in possession of goods should have the effect of passing the ownership, provided that the circumstances were not such as to raise a presumption that the vendor had no right to sell. The propriety of this provision was much discussed, and its probable result in facilitating the disposal of stolen property strongly insisted upon. When property has been stolen from its rightful owner, and has found its way into the hands of an innocent purchaser, it is a mere question of expediency as to which of the two shall bear the loss of the transaction. It is difficult to lay down any general rule, grounded on equitable considerations, because the blame, if any, in the transaction may quite as easily attach to one party as the other. The owner may have used every reasonable precaution and the purchaser may have been grossly negligent, or the purchaser may have been cautious and the owner negligent. After much consideration, we have resolved on abandoning the principle laid down in section 75 of the original Bill, and have provided for the subject in section 108 of the draft now submitted. We propose that a seller shall be unable to give a better title to goods than he has himself, except in the following cases, namely:—

1. When the seller is by consent of the owner in possession of a dock-warrant or other document showing title to the goods sold:
2. When the seller is one of several joint owners of the goods sold and in possession of the goods by permission of the other joint owners:

3. When the seller has obtained possession of the goods under a voidable contract and the contract has not been avoided before the sale; provided that the circumstances which render the contract voidable do not amount to an offence.

In each of the above cases, it is necessary that the purchaser should have acted on good faith, and that the circumstances should not have been such as to give him reasonable ground to suspect that the seller had a right to sell.

18. With regard to the distinction between "penalties" and "liquidated damages," we have seen reason to modify the terms of the original section (53). It provides that, "when a contract has been broken, if a sum is named in the contract itself as the amount to be paid in the case of such breach, the amount so named shall be paid accordingly;" in other words, it treats all such sums as if they were liquidated damages, and never regards them as penalties. We are quite conscious that it is highly desirable to simplify the law by removing the distinction between penalties and liquidated damages; but we are clearly of opinion that, under the peculiar circumstances of this country, the best way to do so is to provide that all such sums shall be treated as penalties. It is notoriously the practice of the Natives to introduce heavy penal stipulations into their agreements, and these are always intended to operate simply *in terrorem*. It may, no doubt, be said that, by changing the law, the people might be led in time to a better system. But partly through the tenacity of habit in the Natives, partly through the time which it takes to diffuse acquaintance with a new rule, and partly also through the fact that, in the case of bond-debts, it is the creditor who frames the instrument, there would be a great deal of positive suffering inflicted, and possibly more than the legislature has a right to impose, before the result aimed at by the Bill could be attained. We have accordingly altered the first clause of this section as follows:—

"When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named."

We have provided, however, that when, by the provisions of any law, a person binds himself under a penalty to perform any condition, he shall be liable to pay the whole of the penalty if he fails to perform the condition. This is intended to provide for the case of recognizances, bail-bonds, and the like.

19. Section 152 of the Bill provides that, "where the bailment is gratuitous, the bailor is entitled at any time, upon reasonable notice, to the restoration of the goods bailed." We have substituted (section 159) the following provision grounded on the New York Code, paragraph 958:—"The lender of a thing for use may at any time require its return if the loan was gratuitous, even though he lent it for a specified time or purpose. But if, on the faith of such loan, the borrower has acted in such a manner that the return of the thing before the time agreed upon would cause him loss exceeding the benefit derived actually by him from the loan, the lender must, if he compels the return, indemnify the borrower for the amount in which the loss so occasioned exceeds the benefit so derived."

20. In section 159 of the Bill we have inserted (section 166) the words "in good faith" before "delivers."

21. Section 161.—After this section we have introduced, from the New York Code, § 943, the following clause (169):—

"When a thing which is commonly the subject of sale is lost, if the owner cannot with reasonable diligence be found, or if he refuses upon demand to pay the lawful charges of the finder, the finder may sell it—

(1) when the thing is in danger of perishing or of losing the greater part of its value; or
(2) when the lawful charges of the finder in respect of the thing found amount to two-thirds of its value."

22. Section 163 of the original Bill provides that, "in the absence of any agreement to the contrary, bankers, factors, and wharfingers have no right to retain any goods bailed to them as a security for a general balance of account." No reason is given for the abolition of the general lien in these cases, and we think it expedient to alter the section (171) thus:—

"Bankers, factors, wharfingers, attorneys of a High Court, and policy-brokers may, in the absence of a contract to the contrary, retain as a security for a general balance of account, any goods bailed to them, but no other persons have a right to retain as a security for such balance, goods bailed to them unless there is an express contract to that effect."

Pledge by possessor of documentary title to goods.

23. Section 170 of the original Bill provided that "a person who is in possession of goods, or of any bill of lading, dock-warrant, warehousekeeper's certificate, warrant or order for delivery, or any other document of title to goods, may make a valid pledge of such

goods, or documents: Provided that the pawnee acts in good faith and under circumstances which are not such as to raise a reasonable presumption that the pawnor is acting improperly."

To this we have added (section 178) a proviso which seems to us necessary with a view to discouraging the pledge of stolen property—

"Provided also that such goods or documents have not been obtained from their lawful owner or from any person in lawful custody of them by means of an offence or fraud."

24. Section 186 of the original Bill forbids an agent to employ another to perform acts which he has undertaken to perform personally. We have added, in section 190 of our draft, the words "unless, by the ordinary custom of trade, a sub-agent may, or, from the nature of the agency, a sub-agent must, be employed."

25. Section 191.—This section of the original Bill provides that an agent, in the absence of his principal's directions, is bound to conduct his business according to the custom which prevails in doing business of the same kind. We have added, in section 211 of our draft, the words "at the place where the agent conducts such business" [*Ireland* v. *Livingtson*, 2. L. R. Q. B. 107, per Shee, J.]

We have provided in section 217 that "an agent may retain, out of any sums received on account of the principal in the business of the agency, all monies due to himself in respect of advances made or expenses properly incurred by him in conducting such business, and also such remuneration as may be payable to him for acting as agent."

26. Section 201 of the original Bill provides that "gross" misconduct in the business of an agency shall disentitle the agent to remuneration in respect of the matter misconducted. The illustrations, however, are not of gross misconduct, and we think that any misconduct should disentitle him. We have omitted the epithet 'gross,' and, in illustration (*a*), we have changed 'insufficient' into 'bad.'

27. Section 202.—This section of the original Bill declares the agent's lien on "goods, papers and other property of the principal." We have, in section 220 of our draft, inserted the words "whether moveable or immoveable," after "property."

28. Section 203 of the original Bill provides that, "where acts are done by one person on behalf of another, *but without his knowledge*, he may elect to ratify or to disown" them. We have inserted, in section 196 of the present Bill, after "knowledge," the words "or authority."

Section 226 of the original Bill we have altered (section 202 of our draft) thus:

29. "Where the agent has himself an interest in the property which forms the subject-matter of the agency, the agency cannot, *in the absence of an express contract*, be terminated to the prejudice of such interest."

30. Section 262.—We propose to limit the winding-up jurisdiction conferred by section 262 of the original Bill (section 265 of our draft) to "the Court not inferior to the Court of a District Judge within the local limits of whose jurisdiction the place, or principal place of business of the firm is situate."

31. We have, in numerous instances throughout the Bill, omitted illustrations, wherever they appeared to us either to be unnecessary, or too complicated to be readily intelligible, or when, as being the result of English decisions, they introduced collateral circumstances and principles other than those which they were intended to illustrate, and were thus liable to be misunderstood, except when read in connection with the whole of the surrounding facts.

32. Subject to these amendments we recommend that the Bill be passed.

J. F. STEPHEN.
J. STRACHEY.
R. TEMPLE.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 12th March 1872.

THE INDIAN CONTRACT BILL.

CONTENTS.

Preamble.

PRELIMINARY.

SECTIONS.

1. Short title.
Extent.
Commencement.
Enactments repealed.
2. Interpretation-clause.

CHAPTER I.—OF THE COMMUNICATION, ACCEPTANCE AND REVOCATION OF PROPOSALS.

3. Communication, acceptance and revocation of proposals.
4. Communication when complete.
5. Revocation of proposals and acceptances.
6. Revocation how made.
7. Acceptance must be absolute.
8. Acceptance by performing conditions.
9. Promises, express and implied.

CHAPTER II.—OF CONTRACTS, VOIDABLE CONTRACTS, AND VOID AGREEMENTS.

10. What agreements are contracts.
11. Who are competent to contract.
12. What is a sound mind for the purposes of contracting.
13. 'Consent' defined.
14. 'Free consent' defined.
15. 'Coercion' defined.
16. 'Undue influence' defined.
17. 'Fraud' defined.
18. 'Misrepresentation' defined.
19. Agreements caused by fraud or misrepresentation.
20. Mistake of fact.
21. Effect of mistakes as to law.
22. Mistake of one party not caused by the other.
23. What considerations and objects are lawful and what not.

VOID AGREEMENTS.

24. Considerations and objects unlawful in part.
25. Promises without consideration void unless registered,
or for certain purposes.
26. Contract in restraint of marriage void.
27. Contract in restraint of trade void.
Exception in favour of sale of good-will.
Exception in favour of partnership arrangements.
28. Restraints upon legal proceedings.
29. Certainty of subject.
30. Wagers.

CHAPTER III.—OF CONTINGENT CONTRACTS.

31. Contingent contract defined.
32. Enforcement of contingent contracts.
33. Contingent contracts on an event which becomes impossible.
34. When contingency is a living person's future conduct.
35. Contingent contracts on an event to happen within a fixed time.
36. Contingent agreements on impossible events.

CHAPTER IV.—OF THE PERFORMANCE OF CONTRACTS.

CONTRACTS WHICH MUST BE PERFORMED.

SECTIONS.

37. What contracts must be performed.
38. Effect of refusal to accept offer of performance.
39. Power to terminate contract on refusal of party to perform it wholly.

BY WHOM CONTRACTS MUST BE PERFORMED.

40. Person by whom promise is to be performed.
41. Effect of accepting performance from a third person.
42. Devolution of joint liabilities.
43. Any one of joint promisors may be compelled to perform.
Each promisor may compel contribution.
Sharing of loss by default.
44. Release of one joint contractor.
45. Devolution of joint rights.

TIME AND PLACE FOR PERFORMANCE.

46. Time for performance of engagement where no time is specified, and no application to be made.
47. Time for performance of engagement where time is specified, and no application to be made.
48. Application for performance at a proper time and place.
49. Place for performance of engagement where no application to be made and no place fixed.
50. Performance in manner or at time prescribed or sanctioned by person entitled to claim it.

ORDER OF PERFORMANCE OF RECIPROCAL PROMISES TO BE SIMULTANEOUSLY PERFORMED.

51. Promisor not bound to perform unless reciprocal promisee ready and willing to perform.
52. Order of performance of different engagements.
53. Liability of party preventing event on which contract is to take effect.
54. Effect of default as to that promise which should be first performed in contract consisting of reciprocal promises.
55. Effect as to time in contract to do certain things at certain times.
56. Promise to do an impossible act or one which afterwards becomes illegal.
57 Alternative reciprocal promises one set of which is unlawful.
58. Reciprocal promises, one of which is in the alternative, one branch of the alternative being unlawful.

APPROPRIATION OF PAYMENTS.

59. Where there are several distinct debts and the debt to which payment is to be applied is indicated.
60. Where there are several distinct debts and the debt to which payment is to be applied is not indicated.
61. Where neither party makes any appropriation.

CONTRACTS WHICH NEED NOT BE PERFORMED.

SECTIONS.

62. Contracts may be rescinded or altered.
63. Dispensation with, or remittance of, or acceptance of, satisfaction in lieu of performance.
64. Consequences of rescission or alteration.
65. Obligation of person who has received advantage under agreement or contract void or rescinded.
66. Mode of communicating or revoking rescission of voidable contract.
67. Parties mutually bound to facilitate performance.

CHAPTER V.—OF CERTAIN OBLIGATIONS RESEMBLING THOSE CREATED BY CONTRACT.

68. Supply of necessaries to persons incapable of contracting.
69. Reimbursement of person paying what another is bound to pay.
70. Effect of non-gratuitous act of which a person enjoys the benefit.
71. Responsibility of finder of goods.
72. Liability of person to whom money is paid by mistake or coercion.

CHAPTER VI.—OF THE CONSEQUENCES OF THE BREACH OF CONTRACT AND NON-PERFORMANCE OF OBLIGATIONS.

73. Party rightfully terminating contract entitled to compensation.
74. Payment of sum specified to be paid in case of breach.
Payment of compensation.
75. Title to compensation for breach of contract in which a sum is named as payable in case of breach.

CHAPTER VII.—SALE OF GOODS.

WHEN PROPERTY IN GOODS SOLD PASSES.

76. 'Goods' defined.
77. 'Sale' defined.
78. Sale how effected.
79. Effect of agreement for sale of thing to be ascertained, made or finished.
80. Sale of goods which the seller is to put into state in which buyer is to take them.
81. Sale of goods when seller has to do anything thereto in order to ascertain price.
82. Sale when goods are unascertained at date of agreement.
83. Ascertainment of goods by subsequent appropriation.
84. Ascertainment of goods by seller's selection.
85. Agreement for sale of immoveable and moveable property combined.
86. Buyer's risk.
87. Transfer of ownership of goods agreed to be sold while non-existent.
88. Contract to sell and deliver at a future day, goods not in seller's possession at date of contract.
89. Determination of unfixed price.

DELIVERY.

90. Delivery how made.
91. Effect of delivery to wharfinger or carrier.
92. Effect of part-delivery.

SECTIONS.

93. Seller not bound to deliver until buyer applies for possession.
94. Place of delivery.

SELLER'S LIEN.

95. Seller's lien.
96. Lien where payment to be made at a future day, but no time fixed for delivery.
'Insolvency' defined.
97. Where payment to be made at future day, and buyer allows goods to remain in seller's possession.
98. Seller's lien against subsequent buyer.

STOPPAGE IN TRANSIT.

99. Power to stop in transit.
100. When goods are to be deemed in transit.
101. Continuance of right of stoppage.
102. Cessation of right on assignment of bill of lading.
103. Stoppage on payment to pledgee of amount of claim.
104. Stoppage how effected.
105. Notice of seller's claim.
106. Right of seller on stoppage.

RE-SALE.

107. Re-sale on buyer's failure to perform.

TITLE.

108. Title conveyed by seller of goods to buyer.

WARRANTY.

109. Seller's responsibility for badness of title.
110. Implied warranty of goodness or quality.
111. Warranty of soundness on sale of provisions.
112. Warranty on sale of goods by sample.
113. Warranty on sale of goods sold as being of a certain denomination.
114. Warranty where goods ordered for a specified purpose.
115. Sale of article of a well-known ascertained kind.
116. Non-responsibility for latent defects.
117. Buyer's right on breach of warranty.
118. Rejection or return of goods sold with warranty.

MISCELLANEOUS.

119. Refusal to accept when goods not ordered are sent.
120. Effect of wrongful refusal to accept.
121. Rescission on failure to pay price at time fixed.
122. Sale of several lots by auction.
123. Puffers at auction.

CHAPTER VIII.—OF INDEMNITY AND GUARANTEE.

124. 'Indemnity' defined.
125. Rights and liabilities of indemnity-holder when sued.
126. Definitions of 'guarantee,' 'surety,' 'principal debtor,' and 'creditor.'
127. Consideration for guarantee.
128. Surety's liability.
129. Continuing guarantee.
130. Revocation of continuing guarantee.
131. Revocation of continuing guarantee by surety's death.

SECTIONS.

132. Liability of two persons primarily liable, not affected by a private arrangement as to suretyship.
133. Discharge of surety by variance in terms of contract.
134. Discharge of surety by release or discharge of principal debtor.
135. Discharge of surety when creditor compounds with, gives time to, or agrees not to sue principal debtor.
136. Agreement to give time to principal debtor made with a third person.
137. Creditor's forbearance to sue.
138. Release of one co-surety.
139. Discharge of surety by creditor's act or omission impairing surety's eventual remedy.
140. Rights of surety on payment or performance.
141. Surety's right to benefit of creditor's securities.
142. Guarantee obtained by misrepresentation.
143. Guarantee obtained by concealment.
144. Guarantee on agreement that creditor shall not act on it until co-surety joins.
145. Implied promise to indemnify surety.
146. Co-sureties liable to contribute equally.
147. Liability of co-sureties bound in different sums.

CHAPTER IX.—OF BAILMENT.

148. 'Bailment,' 'bailor,' and 'bailee' defined.
149. Delivery to bailee how made.
150. Bailor's duty to disclose faults in goods bailed.
151. Care to be taken by bailee.
152. Bailee when not liable for loss, &c, of thing bailed.
153. Termination of bailment by bailee's act inconsistent with conditions.
154. Liability of bailee making unauthorized use of goods bailed.
155. Mixture, with bailor's consent, of his goods with goods of bailee.
156. Mixture, without bailor's consent, when the goods can be separated.
157. Mixture, without bailor's consent, when the goods cannot be separated.
158. Re-payment by bailor of necessary expenses.
159. Restoration of goods bailed gratuitously.
160. Return of goods bailed on expiration of time or accomplishment of purpose.
161. Bailee's responsibility when goods are not duly delivered or tendered.
162. Termination of gratuitous bailment by death.
163. Increase or profit from goods bailed.
164. Bailor's responsibility to bailee.
165. Bailment by several joint owners.
166. Re-delivery to bailee who has no title.
167. Right of third person claiming goods bailed.
168. Right of finder of goods.
May sue for the amount not to apply to salvage.
169. When finder of thing commonly on sale may sell it.
170. Bailee's particular lien.
171. Bankers, factors, and wharfingers have no general lien.

BAILMENTS OF PLEDGES.

SECTIONS.

172. 'Pledge,' 'pawnor,' and 'pawnee' defined.
173. Pawnee's right of retainer.
174. In case of subsequent advances.
175. Extraordinary expenses incurred by pawnee.
176. Pawnee's right where pawnor makes default.
177. Defaulting pawnor's right to redeem.
178. Pledge by possessor of documentary title to goods.
179. Pledge where pledgor has only a limited interest.

SUITS BY BAILEES OR BAILORS AGAINST WRONGDOERS.

180. Suits by bailor or bailee against wrongdoers.
181. Apportionment of proceeds of such suits.

CHAPTER X.—AGENCY.

APPOINTMENT AND AUTHORITY OF AGENTS.

182. 'Agent' and 'principal' defined.
183. Who may be a principal.
184. Who may be an agent.
185. Agency created without consideration.
186. Agents' authority may be expressed or implied.
187. Definitions of expressed and implied authority.
188. Extent of agent's authority.
189. Agent's authority in an emergency.

SUB-AGENTS.

190. When agent cannot delegate.
191. 'Sub-agent' defined.
192. Representation of principal by sub-agent properly appointed.
Agent's responsibility for sub-agent.
Sub-agent's responsibility.
193. Agent's responsibility for sub-agent appointed without authority.
194. Relation between principal and person to whom agency is duly delegated.
195. Agent's duty in naming such person.

RATIFICATION.

196. Effect of ratification.
197. Ratification may be expressed or implied.
198. Knowledge requisite to valid ratification.
199. Effect of ratifying unauthorized act forming part of a transaction.
200. Ratification of unauthorized act cannot injure third person.

REVOCATION OF AUTHORITY.

201. Termination of agency.
202. Where agency is coupled with an interest.
203. Revocation of agent's authority.
204. Revocation where authority has been partly exercised.
205. Compensation for revocation or renunciation.
206. Notice of revocation or renunciation.
207. Revocation and renunciation may be expressed or implied.
208. When termination of agent's authority takes effect.

SECTIONS.

209. Agent's duty on termination of agency by principal's death or insanity.
210. Termination of sub-agent's authority.

AGENT'S DUTY TO PRINCIPAL.

211. Agent's duty in conducting principal's business.
212. Skill and diligence required from agent.
213. Agent's accounts.
214. Agent's duty to communicate with principal.
215. Agent dealing on his own account in business of agency without principal's consent.
216. Principal's right to benefit gained by agent dealing on his own account in business of agency.
217. Agent's right of retainer out of sums received on principal's account.
218. Agent's duty to pay sums received for principal.
219. When agent's remuneration becomes due.
220. Misconduct disentitles agent to remuneration.
221. Agent's lien on principal's goods and papers.

PRINCIPAL'S DUTY TO AGENT.

222. Agent's indemnity against consequences of lawful acts.
223. Agent's indemnity against consequences of acts done in good faith.
224. Non-liability of employer of agent to do a criminal act.
225. Compensation to agent for injury caused by principal's neglect.

EFFECT OF AGENCY ON CONTRACTS WITH THIRD PERSONS.

226. Enforcement and consequences of agent's contracts.
227. Principal how far bound when agent exceeds authority.
228. When excess of agent's authority is not separable.
229. Consequences of notice given to agent.
230. Agent cannot personally enforce nor be bound by contracts on behalf of principal.
Implication of contract to contrary.
231. Rights of parties to a contract made by agent not disclosed.
232. Performance of contract with agent supposed to be principal.
233. Principal's liability where agent personally liable.
234. Consequence of inducing agent or principal to act on belief that principal or agent will be held exclusively liable.
235. Liability of pretended agent.
236. Person falsely contracting as agent, not entitled to performance.
237. Liability of principal inducing belief that agent's unauthorized acts were authorized.
238. Effect on agreement of misrepresentation or fraud by agent.

CHAPTER IX.—OF PARTNERSHIP.

239. 'Partnership' defined.
'Firm' defined.
240. Lender not a partner by advancing money for share of profits.

SECTIONS.

241. Property left in business by retiring partner or deceased partner's representative.
242. Contract for servant's remuneration by share of profits.
243. Annuity out of profits to widow or child of deceased partner.
244. Portion of profits received for sale of good-will.
245. Responsibility of person leading another to believe him a partner.
246. Liability of person permitting himself to be represented as a partner.
247. Minor partner.
248. Liability of minor partner on attaining majority.
249. Partner's liability for debts of partnership.
250. Partner's liability to third person for neglect or fraud of co-partner.
251. Partner's power to bind co-partners.
252. Annulment of contract defining partner's rights and obligations.
253. General rule determining partner's mutual relations.
254. When Court may dissolve partnership.
255. Dissolution of partnership by prohibition of business.
256. Application of original terms to partnership continued under them.
257. General duties of partners.
258. Benefit derived from transaction affecting partnership.
259. Profits made in competing business.
260. Liability of incoming partner.
261. Revocation of continuing guarantee by change in firm.
262. Non-liability of deceased partner's estate for subsequent obligations.
263. Payment of partnership debts, and of separate debts.
264. Continuance of partner's rights and obligations after dissolution.
265. Notice of dissolution.
266. Winding-up by Court after termination of partnership.
267. Limited liability partnerships, incorporated partnerships, and joint stock companies.

SCHEDULE.

THE INDIAN CONTRACT BILL.

As amended by the Select Committee.

Preamble.

WHEREAS it is expedient to define and amend certain parts of the law relating to contracts; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Contract Act, 1872."

Extent. Commencement.

It extends to the whole of British India, and it shall come into force on the first day of September 1872.

Enactments repealed.

The enactments mentioned in the schedule hereto are repealed to the extent specified in third column thereof; but nothing herein contained shall affect

the provisions of any Statute, Act, or Regulation not hereby expressly repealed, nor any usage or custom of trade, nor any incident of any contract, not inconsistent with the provisions of this Act.

Interpretation-clause.

2. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context :—

"Proposal"

(*a.*)—When one person signifies to another his willingness to do or to abstain from doing anything with a view to obtaining the assent of that other to such act or abstinence, he is said to make a proposal.

"Promise."

(*b.*)—When the person, to whom the proposal is made, signifies his assent thereto, the proposal is said to be accepted. A proposal, when accepted, becomes a promise.

"Promisor" and "Promisee."

(*c.*)—The person making the proposal is called the 'promisor,' and the person accepting the proposal is called the 'promisee.'

"Consideration."

(*d.*)—When, at the desire of the promisor, the promisee or any other person has done or abstained from doing, or does or abstains from doing, or promises to do or to abstain from doing, something, such act or abstinence or promise is called a consideration for the promise.

"Agreement."

(*f.*)—Every promise and every set of promises, forming the consideration for each other, is an agreement.

"Reciprocal promises."

Promises which form the consideration or part of the consideration for each other, are called reciprocal promises.

(*g.*)—An agreement not enforceable by law is said to be void.

"Contract."

(*h.*)—An agreement enforceable by law is a contract.

"Voidable contract."

(*i.*)—An agreement which is enforceable by law at the option of one or more of the parties thereto, but not at the option of the other or others, is a voidable contract.

Void contract.

(*j.*) —A contract which ceases to be enforceable by law becomes void when it ceases to be enforceable.

CHAPTER I.

OF THE COMMUNICATION, ACCEPTANCE AND REVOCATION OF PROPOSALS.

Communication, acceptance and revocation of proposals.

3. The communication of proposals, the acceptance of proposals, and the revocation of proposals and acceptances, respectively, are said to be made by any act or omission of the party proposing, accepting or revoking, by which he intends to communicate such proposal, revocation or acceptance, or which has the effect of communicating them respectively.

Communication when complete.

4. The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.

The communication of an acceptance is complete

as against the proposer, when it is put in a course of transmission to him, so as to be out of the power of the acceptor;

as against the acceptor, when it comes to the knowledge of the proposer.

The communication of a revocation is complete,

as against the person who makes it, when it is put into a course of transmission to the person to whom it is made, so as to be out of the power of the person who makes it;

as against the person to whom it is made, when it comes to his knowledge.

Illustrations.

(*a.*) A proposes, by letter, to sell a house to B at a certain price.

The communication of the proposal is complete when B receives the letter.

(*b.*) B accepts A's proposal by a letter sent by post.

The communication of the acceptance is complete, as against A, when the letter is posted; as against B, when the letter is received by A.

(*c.*) A revokes his proposal by telegram.

The revocation is complete as against A when the telegram is despatched. It is complete as against B when B receives it.

B revokes his acceptance by telegram. His revocation is complete as against B when the telegram is despatched, and as against A when it reaches him.

Revocation of proposals and acceptances.

5. A proposal may be revoked at any time before the communication of its acceptance is complete as against the proposer, but not afterwards.

An acceptance may be revoked at any time before the communication of the acceptance is complete as against the acceptor, but not afterwards.

Illustrations.

A proposes by a letter sent by post to sell his house to B.

B accepts the proposal by a letter sent by post.

A may revoke his proposal at any time before or at the moment when B posts his letter of acceptance, but not afterwards.

B may revoke his letter of acceptance at any time before or at the moment when it reaches A, but not afterwards.

Revocation how made.

6. A proposal is revoked—

(1) by the communication of notice of revocation by the proposer to the other party;

(2) by the lapse of the time prescribed in such proposal for its acceptance, or, if no time is so prescribed, by the lapse of a reasonable time, without communication of the acceptance;

(3) by the failure of the acceptor to fulfil a condition precedent to acceptance; or

(4) by the death or insanity of the proposer, if the fact of his death or insanity comes to the knowledge of the acceptor before acceptance.

Acceptance must be absolute.

7. In order to convert a proposal into a promise the acceptance must—

(1) be absolute and unqualified;

(2) be expressed in some usual and reasonable manner, unless the proposal prescribes the manner in which it is to be accepted. If the proposal prescribes a manner in which it is to be accepted, and the acceptance is not made in such manner, the proposer may, within a reasonable time after the acceptance is communicated to him, insist that his proposal shall be accepted in the prescribed manner, and not otherwise; but, if he fails to do so, he accepts the acceptance.

Acceptance by performing conditions.

8. Performance of the conditions of a proposal, or the acceptance of any consideration for a reciprocal promise which may be offered with a proposal, is an acceptance of the proposal.

Promises, express and implied.

9. In so far as the proposal or acceptance of any promise is made in words, the promise is said to be express. In so far as such proposal or acceptance is made otherwise than in words, the promise is said to be implied.

CHAPTER II.

OF CONTRACTS, VOIDABLE CONTRACTS, AND VOID AGREEMENTS.

What agreements are contracts.

10. All agreements are contracts if they are made by the free consent of parties competent to contract, for a lawful consideration and with a lawful object, and are not hereby expressly declared to be void.

Nothing herein contained shall affect any law in force in British India, and not hereby expressly repealed, by which any contract is required to be made in writing or in the presence of witnesses, or any law relating to the registration of documents.

Who are competent to contract.

11. Every person is competent to contract who is of the age of majority according to the law to which he is subject, and who is of sound mind, and is not disqualified from contracting by any law to which he is subject.

What is a sound mind for the purposes of contracting.

12. A person is said to be of sound mind for the purpose of making a contract if, at the time when he makes it, he is capable of understanding it and of forming a rational judgment as to its effect upon his interests.

A person who is usually of unsound mind, but occasionally of sound mind, may make a contract when he is of sound mind.

A person who is usually of sound mind, but occasionally of unsound mind, may not make a contract when he is of unsound mind.

Illustrations.

(*a.*) A patient in a lunatic asylum, who is at intervals of sound mind, may contract during those intervals.

(*b.*) A sane man, who is delirious from fever, or who is so drunk that he cannot understand the terms of a contract, or form a rational judgment as to its effect on his interests, cannot contract whilst such delirium or drunkenness lasts.

Consent defined.

13. Two or more persons are said to consent when they agree upon the same thing in the same sense.

Free consent defined.

14. Consent is said to be free when it is not caused by—

(1) coercion, as defined in section fifteen, or

(2) undue influence, as defined in section sixteen, or

(3) fraud, as defined in section seventeen, or

(4) misrepresentation, as defined in section eighteen, or

(5) mistake.

Consent is said to be so caused when it would not have been given but for the existence of such coercion, undue influence, fraud, misrepresentation or mistake.

Coercion defined.

15. Coercion is the committing, or threatening to commit, any act forbidden by the Indian Penal Code, or the unlawful detaining, or threatening to detain, any property, to the prejudice of any person whatever, with the intention of causing any person to enter into an agreement.

Explanation.—It is immaterial whether the Indian Penal Code is or is not in force in the place where the coercion is employed.

Illustration.

A, on board an English ship on the high seas, causes B to enter into an agreement by an act amounting to intimidation under the Indian Penal Code;

A afterwards sues B for breach of contract at Calcutta.

A has employed coercion, although his act is not an offence by the law of England, and although section 508 of the Indian Penal Code was not in force at the time or place where the act was done.

Undue influence defined.

16. Undue influence is said to be employed in the following cases:—

(1.)—When a person in whom confidence is reposed by another, or who holds a real or apparent authority over that other, makes use of such confidence or authority for the purpose of obtaining an advantage over that other, which, but for such confidence or authority, he could not have obtained.

(2.)—When a person whose mind is enfeebled by old age, illness, or mental or bodily distress is so treated as to make him consent to that to which, but for such treatment, he would not have consented, although such treatment may not amount to coercion.

Illustrations.

(1.) A, a young woman who has resided during her minority in the family of B, her guardian, continues to reside with him after attaining majority, and is induced, by means of his influence, to enter into a contract with him which is disadvantageous to herself. B employs undue influence.

(2.) A, having advanced money to his son, B, during his minority, upon B's coming of age, obtains, by parental influence, a bond from B for a greater amount than the sum due upon the advance. A employs undue influence.

(3.) A is induced, by B's influence over him as his legal adviser, to convey an estate to B for his benefit. B employs undue influence.

(4.) A, a man enfeebled by disease or age, is induced by B's influence over him, as his medical attendant, to agree to pay B an unreasonable sum for his professional assistance during the rest of A's life. B employs undue influence

Fraud defined

17. Fraud means and includes any of the following acts committed by a party to a contract, or with his connivance, or by his agent, with intent to deceive another party thereto or his agent, or to induce him to enter into the contract:—

(1.)—The suggestion, as a fact, of that which is not true, by one who does not believe it to be true;

(2.)—The active concealment of a fact by one having knowledge or belief of the fact;

(3.)—A promise made without any intention of performing it;

(4.)—Any other act fitted to deceive;

(5.)—Any such act or omission as the law specially declares to be fraudulent.

Explanation.—Mere silence as to facts likely to affect the willingness of a person to enter into a

contract is not fraud, unless the circumstances of the case are such that under the circumstances of the case, it is the duty of the person keeping silence to speak, or unless his silence in itself is equivalent to speech.

Illustrations.

(*a.*) A and B are in treaty for a horse which A knows to be unsound. A says nothing to B about the horse's unsoundness. This is not fraud in A

(*b.*) B is A's daughter and has just come of age. Here, the relation between the parties would make it A's duty to tell B if the horse is unsound

(*c.*) B says to A, "If you do not deny it, I shall assume that the horse is sound;" A says nothing. Here A's silence is equivalent to speech.

(*d*) A and B, being traders, enter upon a contract. A has private information of a change in prices which would affect B's willingness to proceed with the contract. A is not bound to inform B

Misrepresentation defined.

18. Misrepresentation means and includes—

(1)—The positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true;

(2) any breach of duty which, without an intent to deceive, gains an advantage to the person committing it, or any one claiming under him, by misleading another to his prejudice, or to the prejudice of any one claiming under him;

(3) causing a party to an agreement, however innocently, to make a mistake as to the substance of the thing which is the subject of the agreement.

Agreements caused by fraud or misrepresentation.

19. When consent to an agreement is caused by coercion, undue influence, fraud or misrepresentation, the agreement is a contract voidable at the option of the party whose consent was so caused

The party whose consent was so caused may, if he thinks fit, insist that the contract shall be performed and that he shall be put in the position in which he would have been if the representations made had been true.

Exception.—If such consent was caused by misrepresentation or by silence, fraudulent within the meaning of section seventeen, the contract, nevertheless, is not voidable, if the party, whose consent was obtained thereby, had the means of discovering the truth with ordinary diligence.

Explanation.—A fraud or misrepresentation which did not cause the consent to a contract of the party on whom such fraud was practised or to whom such misrepresentation was made, does not render a contract voidable.

Illustrations.

(*a.*) A, intending to deceive B, falsely represents that five hundred maunds of indigo are made annually at A's factory, and thereby induces B to buy the factory. The contract is voidable at the option of B.

(*b.*) A, by a misrepresentation, leads B to believe erroneously that five hundred maunds of indigo are made annually at A's factory. B examines the accounts of the factory, which show that only four hundred maunds of indigo have been made. After this B buys the factory. The contract is not voidable on account of A's misrepresentation.

(*c.*) A fraudulently informs B that A's estate is free from incumbrance. B thereupon buys the estate. The estate is subject to a mortgage. B may either avoid the contract, or may insist on its being carried out and the mortgage debt redeemed

(*d.*) B, having discovered a vein of ore on the estate of A, adopts means to conceal, and does conceal, the existence of the ore from A. Through A's ignorance B is enabled to buy the estate at an under-value. The contract is voidable at the option of A.

(*e.*) A is entitled to succeed to an estate at the death of B; B dies C, having received intelligence of B's death, prevents the intelligence reaching A; and thus induces A to sell him his interest in the estate. The sale is voidable at the option of A.

Mistake of fact.

20. Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void.

Explanation.—An erroneous opinion as to the value of the thing which forms the subject-matter of the agreement, is not to be considered a mistake as to a matter of fact.

Illustrations.

(*a.*) A agrees to sell to B a specific cargo of goods supposed to be on its way from England to Bombay. It turns out that, before the day of the bargain, the ship conveying the cargo had been cast away and the goods lost. Neither party was aware of these facts. The agreement is void.

(*b*) A agrees to buy from B a certain horse. It turns out that the horse was dead at the time of the bargain, though neither party was aware of the fact. The agreement is void.

(*c.*) A, being entitled to an estate for the life of B, agrees to sell it to C. B was dead at the time of the agreement, but both parties were ignorant of the fact. The agreement is void

Effect of mistakes as to law

21. A contract is not voidable because it was caused by a mistake as to any law in force in British India; but a mistake as to a law not in force in British India has the same effect as a mistake of fact.

Illustrations.

A and B make a contract grounded on the erroneous belief that a particular debt is barred by the Indian Law of Limitation: the contract is not voidable.

A and B make a contract grounded on an erroneous belief as to the law regulating bills of exchange in France: the contract is voidable.

Mistake of one party not caused by the other.

22 A contract is not voidable because merely it was caused by one of the parties to it being under a mistake as to a matter of fact.

What considerations and objects are lawful and what not

23. The consideration or object of an agreement is lawful, unless—

it is forbidden by law; or

is of such a nature that, if permitted, it would defeat the provisions of any law; or

is fraudulent; or

involves or implies injury to the person or property of another; or

the Court regards it as immoral or opposed to public policy.

In each of these cases, the consideration or object of an agreement is said to be unlawful. Every agreement of which the object or consideration is unlawful, is void.

Illustrations.

(*a.*) A agrees to sell his house to B for 10,000 rupees. Here B's promise to pay the sum of 10,000 rupees is the consideration for A's promise to sell the house, and A's promise to sell the house is the consideration for B's promise to pay the 10,000 rupees. These are lawful considerations.

(*b*) A promises to pay B 1,000 rupees at the end of six months if C, who owes that sum to B, fails to pay it. B promises to grant time to C accordingly. Here the promise of each party is the consideration for the promise of the other party, and they are lawful considerations.

(*c*). A promises, for a certain sum paid to him by B, to make good to B the value of his ship if it is wrecked on a

certain voyage. Here A's promise is the consideration for B's payment, and B's payment is the consideration for A's promise, and these are lawful considerations.

(*d.*) A promises to maintain B's child, and B promises to pay A 1,000 rupees yearly for the purpose. Here the promise of each party is the consideration for the promise of the other party. They are lawful considerations.

(*e.*) A, B and C enter into an agreement for the division among them of gains acquired, or to be acquired, by them by fraud. The agreement is void, as its object is unlawful.

(*f.*) A promises to obtain for B an employment in the public service, and B promises to pay 1,000 rupees to A. The agreement is void, as the consideration for it is unlawful.

(*g.*) A, being agent for a landed proprietor, agrees for money, without the knowledge of his principal, to obtain for B a lease of land belonging to his principal. The agreement between A and B is void, as it implies a fraud by concealment by A on his principal.

(*h.*) A promises B to drop a prosecution which he has instituted against B for robbery, and B promises to restore the value of the things taken. The agreement is void, as its object is unlawful.

(*i.*) A's estate is sold for arrears of revenue under the provisions of an Act of the legislature, by which the defaulter is prohibited from purchasing the estate. B, upon an understanding with A, becomes the purchaser, and agrees to convey the estate to A upon receiving from him the price which B has paid. The agreement is void, as it renders the transaction in effect a purchase by the defaulter and would so defeat the object of the law.

(*j.*) A, who is B's mukhtar, promises to exercise his influence, as such, with B in favour of C, and C promises to pay 1,000 rupees to A. The agreement is void, because it is immoral.

(*k.*) A engages her daughter to hire to B for concubinage. The agreement is void, because it is immoral, though the letting may not be punishable under the Indian Penal Code.

VOID AGREEMENTS.

Considerations and objects unlawful in part.

24. If any part of a single consideration for one or more objects, or any one or any part of any one of several considerations for a single object, is unlawful, the agreement is void.

Illustration.

A promises to superintend, on behalf of B, a legal manufacture of indigo and an illegal traffic in other articles. B promises to pay to A a salary of 10,000 rupees a year The agreement is void, the object of A's promise, and the consideration for B's promise, being in part unlawful.

Promises without consideration void unless registered, or for certain purposes

25. An agreement made without consideration is void unless—

(1) it is expressed in writing and registered under the law for the time being in force for the registration of assurances; or unless—

(2) it is a promise to compensate wholly or in part a person who has already voluntarily done something for the promisor or something which the promisor was legally compellable to do; or

(3) it is a promise, made in writing and signed by the person to be charged therewith or by his agent generally or specially authorized in that behalf, to pay wholly or in part a debt of which the creditor might have enforced payment but for the law for the limitation of suits.

In any of these cases, such an agreement is a contract.

Explanation.—Nothing in this section shall affect the validity as between the donor and donee of any gift actually made.

Illustrations

(*a.*) A promises for no consideration to give to B Rs. 1,000. This is a void agreement.

(*b.*) A puts his promise to give Rs. 1,000 to B into writing, and registers it. This is a contract.

(*c.*) A finds B's purse and gives it to him. B promises to give A Rs. 50. This is a contract.

(*d.*) A supports B's infant son. B promises to pay A's expenses in so doing. This is a contract.

(*e.*) A owes B Rs. 1,000, but the debt is barred by the Limitation Act. A verbally promises to pay B Rs. 500 on account of the debt. This is a contract.

Contract in restraint of marriage void.

26. Every agreement in restraint of the marriage of any person other than a minor, is void.

Contract in restraint of trade void.

27. Every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void.

Exception in favour of sale of good-will.

Exception 1.—One who sells the good-will of a business may agree with the buyer to refrain from carrying on a similar business within specified local limits so long as the buyer, or any person deriving title to the good-will from him, carries on a like business therein, provided that such limits appear to the Court reasonable, regard being had to the nature of the business.

Exception in favour of partnership arrangements.

Exception 2.—Partners may, upon or in anticipation of a dissolution of the partnership, agree that some or all of them will not carry on a business, similar to that of the partnership, within such local limits as are referred to in the last exception.

Exception 3.—Partners may agree that some one or all of them will not carry on any business other than that of the partnership, during the continuance of the partnership.

Restraints upon legal proceedings.

28. Every agreement by which any party thereto is restricted absolutely from enforcing his rights under or in respect of any contract by the usual legal proceedings in the ordinary tribunals, or which limits the time within which he may thus enforce his rights, is void to that extent.

Exception 1.—This section shall not render illegal a contract by which two or more persons agree that any dispute that may arise between them in respect of any specified matters shall be referred to arbitration, and that only the amount awarded in such arbitration shall be recoverable in respect of the matter so referred.

When such a contract to refer has been made, a suit may be brought for its specific performance, and if a suit other than for such specific performance, or for the recovery of the amount so awarded, is brought by one party to such contract against any other such party, in respect of any matter which they have so agreed to refer, the existence of such contract shall be a bar to the action.

Exception 2.—Nor shall this section render illegal any contract in writing by which two or more persons agree to refer to arbitration any question between them which has already arisen or affect any provision of any law in force for the time being as to references to arbitration.

Certainty of subject.

29. Agreements the meaning of which is not certain, or capable of being made certain, are void.

Illustrations

(*a.*) A agrees to sell to B 'a hundred tons of oil.' There is nothing whatever to show what kind of oil was intended. The agreement is void for uncertainty.

(*b.*) A agrees to sell to B one hundred tons of oil of a specified description known as an article of commerce. There is no uncertainty here to make the agreement void.

(*c.*) A, who is a dealer in cocoanut-oil only, agrees to sell to B "one hundred tons of oil." The nature of A's trade

affords an indication of the meaning of the words, and A has entered into a contract for the sale of one hundred tons of cocoanut-oil.

(*d.*) A agrees to sell to B "all the grain in my granary at Ramnagar." There is no uncertainty here to make the agreement void.

(*e.*) A agrees to sell to B one thousand maunds of rice at a price to be fixed by C. As the subject of the agreement is capable of being made certain, there is no uncertainty here to make it void.

(*f.*) A agrees to sell B 'my white horse for rupees five hundred or rupees one thousand.' There is nothing to show which of the two prices was to be given. The agreement is void.

Wagers.

30. Agreements by way of wager are void, and no suit shall be brought for recovering anything alleged to be won on any wager or entrusted to any person to abide the result of any game or other uncertain event on which any wager is made.

CHAPTER III.

Of Contingent Contracts.

Contingent contract defined.

31. A contingent contract is a contract to do or not to do something, if some event, collateral to such contract, does or does not happen.

Illustration.

A contracts to pay B Rs. 10,000 if B's house is burnt. This is a contingent contract.

Enforcement of contingent contracts.

32. Contingent contracts to do or not to do anything if an uncertain future event happens, cannot be enforced by law unless and until that event has happened.

If the event becomes impossible such contracts become void.

Illustrations.

(*a.*) A makes a contract with B to buy B's horse if A survives C. This contract cannot be enforced by law unless and until C dies in A's lifetime.

(*b.*) A makes a contract with B to sell a horse to B at a specified price, if C, to whom the horse has been offered, refuses to buy him. The contract cannot be enforced by law unless and until C refuses to buy the horse.

(*c.*) A contracts to pay B a sum of money when B marries C. C dies without being married to B. The contract becomes void.

Contingent contracts on an event which becomes impossible.

33. Contingent contracts to do or not to do anything if an uncertain future event does not happen, can be enforced when the happening of that event becomes impossible, and not before.

Illustration.

A agrees to pay B a sum of money if a certain ship does not return. The ship is sunk. The contract can be enforced when the ship sinks.

When contingency is a living person's future conduct.

34. If the future event on which a contract is contingent is the way in which a person will act at an unspecified time, the event shall be considered to become impossible when the person does anything which renders it impossible that he should do the thing within any definite time, or otherwise than under further contingencies.

(*a.*) A agrees to pay B a sum of money if B marries C.

C marries D. The marriage of B to C must now be considered impossible, although it is possible that D may die, and that C may afterwards marry B.

Contingent contracts on an event to happen within a fixed time.

35. Contingent contracts to do or not to do anything if a specified uncertain event happens within a fixed time, become void if, at the expiration of time fixed, the event has not happened, or if, before the time fixed, the event becomes impossible.

Contingent contracts to do or not to do anything, if a specified uncertain event does not happen within a fixed time, may be enforced by law when the time has expired and the event has not happened, or, before the time has expired, if it becomes certain that the event will not happen.

Illustrations.

(*a.*) A promises to pay B a sum of money if a certain ship returns within a year. The contract may be enforced if the ship returns within the year, and becomes void if the ship is burnt within the year.

(*b.*) A promises to pay B a sum of money if a certain ship does not return within a year. The contract may be enforced if the ship does not return within the year, or is burnt within the year.

Contingent agreements on impossible events.

36. Contingent agreements to do or not to do anything, if an impossible event happens, are void, whether the impossibility of the event is known or not to the parties to the agreement at the time when it is made.

Illustrations.

(*a.*) A agrees to pay B 1,000 rupees if two straight lines should enclose a space. The agreement is void.

(*b.*) A agrees to pay B 1,000 rupees if B will marry A's daughter C. C was dead at the time of the agreement. The agreement is void.

CHAPTER IV.

OF THE PERFORMANCE OF CONTRACTS.

CONTRACTS WHICH MUST BE PERFORMED.

What contracts must be performed.

37. The parties to a contract must either perform, or offer to perform, their respective promises, or make compensation to the promisees for the non-performance of them, unless such performance is dispensed with or excused under the provisions of this Act, or of any other law.

Promises bind the representatives of the promisors in case of their death before performance, unless a contrary intention appears from the contract.

Illustrations.

(*a.*) A promises to deliver goods to B on a certain day on payment of Rs. 1,000. A dies before that day. A's representatives are bound to deliver the goods to B, and B is bound to pay the Rs. 1,000 to A's representatives.

(*b.*) A promises to paint a picture for B by a certain day at a certain price. A dies before the day. The contract cannot be enforced either by A's representatives or by B.

Effect of refusal to accept offer of performance.

38. Where a promisor has made an offer of performance to the promisee and the offer has not been accepted, the promisor is not responsible for non-performance, nor does he thereby lose his rights under the contract.

Every such offer must fulfil the following conditions:—

1. It must be unconditional.

2. It must be made at a proper time and place, and under such circumstances that the person to whom it is made may have a reasonable opportunity of ascertaining that the person by whom it is made is able and willing there and then to do the whole of what he is bound to do by his promise.

3. If the offer is an offer to deliver anything to the promisee, the promisee must have a reasonable opportunity of seeing that the thing offered is the thing which the promisor is bound by his promise to offer.

An offer to one of several joint promisees has the same legal consequences as an offer to all of them.

Illustration.

A contracts to deliver to B at his warehouse on the 1st March 1872, 100 bales of cotton of a particular quality. In order to make an offer of performance with the effect stated in this section, A must bring the cotton to B's warehouse under such circumstances that B may have a reasonable opportunity of satisfying himself that the thing offered is cotton of the quality contracted for, and that there are 100 bales.

Power to terminate contract on refusal of party to perform it wholly.

39. When a party to a contract has refused to perform, or disabled himself from performing, his promise in its entirety, the promisee may put an end to the contract, unless he has signified, by words or conduct, his acquiescence in its continuance.

Illustrations.

(*a.*) A, a singer, enters into an engagement with B, the manager of a theatre, to sing at his theatre two nights in every week during the next two months, and B engages to pay her 100 rupees for each night's performance. On the sixth night the singer wilfully absents herself from the theatre. B is at liberty to put an end to the contract.

(*b.*) A, a singer, enters into an engagement with B, the manager of a theatre, to sing at his theatre two nights in every week during the next two months, and B engages to pay her at the rate of 100 rupees for each night. On the sixth night the singer wilfully absents herself. With the assent of B she sings on the seventh night. B has signified his acquiescence in the continuance of the contract and cannot now put an end to it, but is entitled to compensation for the damage sustained by him through A's failure to sing on the sixth night.

BY WHOM CONTRACTS MUST BE PERFORMED.

Person by whom promise is to be performed.

40. If it appears from the nature of the case that it was the intention of the parties to any contract that any promise contained in it should be performed by the promisor himself, such promise must be performed by the promisor. In other cases, the promisor or his representatives may employ a competent person to perform it.

Illustrations.

(*a.*) A promises to pay B a sum of money. He may perform this promise, either by personally paying the money to B, or by causing it to be paid to B by another; and, if A dies before the time appointed for payment, his representatives must perform the promise, or employ some proper person to do so.

(*b.*) A promises to paint a picture for B. A must perform this promise personally.

Effect of accepting performance from a third person.

41. When a promisee accepts performance of the promise from a third person, he cannot afterwards enforce it against the promisor.

Devolution of joint liabilities.

42. When two or more persons have made a joint promise, then, unless a contrary intention appears by the contract, all such persons during their joint lives, and, after the death of any of them, his representative jointly with the survivor or survivors, and, after the death of the last survivor, the representatives of all jointly, must fulfil the promise.

Any one of joint promisors may be compelled to perform.

43. When two or more persons make a joint promise, the promisee may, in the absence of express agreement to the contrary, compel any one of the promisors to perform the whole of the promise.

Each promisor may compel contribution.

Each of two or more joint promisors may compel every other joint promisor to contribute equally with himself to the performance of the promise unless a contrary intention appears from the contract.

Sharing of loss by default.

If any one of two or more joint promisors makes default in such contribution, the remaining promisors must bear the loss arising from such default in equal shares.

Explanation.—Nothing in this section contained shall prevent a surety from recovering from his principal payments made by the surety on behalf of the principal, or entitle the principal to recover any thing from the surety on account of such payments.

Illustrations.

(*a.*) A, B and C jointly promise to pay D 3,000 rupees. D may compel either A or B or C to pay him 3,000 rupees.

(*b.*) A, B and C jointly promise to pay D the sum of 3,000 rupees. C is compelled to pay the whole. A is insolvent, but his assets are sufficient to pay one-half of his debts. C is entitled to receive 500 rupees from A's estate, and 1,250 rupees from B.

(*c.*) A, B and C are under a joint promise to pay D 3,000 rupees. C is unable to pay anything, and A is compelled to pay the whole. A is entitled to receive 1,500 rupees from B.

(*d.*) A, B and C are under a joint promise to pay D 3,000 rupees, A and B being only sureties for C. C fails to pay. A and B are compelled to pay the whole sum. They are entitled to recover it from C.

Release of one joint contractor.

44. Where two or more persons have made a joint promise, a release of one of such joint promisors by the promisee does not discharge the other joint promisor or joint promisors; neither does it free such joint promisor from responsibility to the other joint promisor or joint promisors.

Devolution of joint rights.

45. When a person has made a promise to two or more persons jointly, then, unless a contrary intention appears by the contract, the right to claim performance rests, as between him and them, with them during their joint lives, and, after the death of any of them, with the representative of such deceased person jointly with the survivor or survivors, and, after the death of the last survivor, with the representatives of all jointly.

Illustration.

A, in consideration of 5,000 rupees lent to him by B and C, promises B and C jointly to repay them that sum with interest on a day specified. B dies. The right to claim performance rests with B's representative jointly with C during C's life, and, after the death of C, with the representatives of B and C jointly.

TIME AND PLACE FOR PERFORMANCE.

Time for performance of engagement where no time is specified and no application to be made.

46. Where, by the contract, a promisor is to perform his promise without application by the promisee, and no time for performance is specified, the engagement must be performed within a reasonable time.

Explanation.—The question 'What is a reasonable time' is, in each particular case, a question of fact.

Time for performance of engagement where time is specified and no application to be made.

47. When a promise is to be performed on a certain day, and the promisor has undertaken to perform it without application, he may perform it at any time during the usual hours of business on such day and at the place at which the promise ought to be performed.

Illustration.

A promises to deliver goods at B's warehouse on the 1st January On that day A brings the goods to B's warehouse, but after the usual hour for closing it; and they are not received. A has not performed his promise.

Application for performance at a proper time and place.

48. When a promise is to be performed on a certain day, and the promisor has not undertaken to perform it without application, it is the duty of the promisee to apply for performance at a proper place and within the usual hours of business.

Explanation.—The question 'What is a proper time and place' is, in each particular case, a question of fact.

Place for performance of engagement where no application to be made and no place fixed.

49. When a promise is to be performed without application, and no place is fixed for the performance of it, it is the duty of the promisor to apply to the promisee to appoint a reasonable place for the performance of the promise, and to perform it at such place.

Illustration.

A undertakes to deliver a thousand maunds of jute to B on a fixed day. A must apply to B to appoint a reasonable place for the purpose of receiving it, and must deliver it to him at such place.

Performance in manner or at time prescribed or sanctioned by person entitled to claim it.

50. The performance of any promise may be made in any manner, or at any time which the promisee prescribes or sanctions.

Illustrations.

(*a.*) B owes A 2,000 rupees. A desires B to pay the amount to A's account with C, a banker. B, who also banks with C, orders the amount to be transferred from his account to A's credit, and this is done by C. Afterwards, and before A knows of the transfer, C fails This is a good payment by B.

(*b.*) A and B are mutually indebted. A and B settle an account by setting off one item against another, and B pays A the balance found to be due from him upon such settlement. This amounts to a payment by A and B, respectively, of the sums which they owed to each other.

(*c.*) A owes B 2,000 rupees. B accepts some of A's goods in reduction of the debt. The delivery of the goods operates as a part payment.

(*d.*) A desires B, who owes him Rs. 100, to send him a note for Rs. 100 by post. The debt is discharged as soon as B puts into the post a letter containing the note duly addressed to A.

ORDER OF PERFORMANCE OF RECIPROCAL PROMISES TO BE SIMULTANEOUSLY PERFORMED.

Promisor not bound to perform unless reciprocal promisee ready and willing to perform.

51. When a contract consists of reciprocal promises to be simultaneously performed, no promisor need perform his promise unless the promisee is ready and willing to perform his reciprocal promise.

Illustrations.

(*a.*) A and B contract that A shall deliver goods to B to be paid for by B on delivery.

A need not deliver the goods, unless B is ready and willing to pay for the goods on delivery.

B need not pay for the goods, unless A is ready and willing to deliver them on payment.

(*b*) A and B contract that A shall deliver goods to B at a price to be paid by instalments, the first instalment to be paid on delivery.

A need not deliver, unless B is ready and willing to pay the first instalment on delivery.

B need not pay the first instalment, unless A is ready and willing to deliver the goods on payment of the first instalment.

Order of performance of different engagements.

52. Where the order in which reciprocal promises are to be performed is expressly fixed by the contract, they shall be performed in that order; and where the order is not expressly fixed by the contract, they shall be performed in that order which the nature of the transaction requires.

Illustrations.

(*a.*) A and B contract that A shall build a house for B at a fixed price. A's promise to build the house must be performed before B's promise to pay for it.

(*b.*) A and B contract that A shall make over his stock-in-trade to B at a fixed price, and B promises to give security for the payment of the money. A's promise need not be performed until the security is given, for the nature of the transaction requires that A should have security before he delivers up his stock.

Liability of party preventing event on which contract is to take effect.

53. When a contract contains reciprocal promises, and one party to the contract prevents the other from performing his promise, the contract becomes voidable at the option of the party so prevented, and he is entitled to compensation from the other party for any loss which he may have sustained in consequence of the non-performance of the contract.

Illustration.

A and B contract that B shall execute certain work for A for a thousand rupees. B is ready and willing to execute the work accordingly, but A prevents him from doing so. The contract is voidable at the option of B, and, if he elects to rescind it, he is entitled to recover from A compensation for any loss which he has incurred by its non-performance.

Effect of default as to that promise which should be first performed in contract consisting of reciprocal promises.

54. When a contract consists of reciprocal promises, such that one of them cannot be performed, or that its performance cannot be claimed, till the other has been performed, and the promisor of the promise last mentioned fails to perform it, such promisor cannot claim the performance of the reciprocal promise, and must make compensation to the other party to the contract for any loss which such other party may have sustained by the non-performance of the contract.

Illustrations.

(*a.*) A hires B's ship to take in and convey from Calcutta to the Mauritius a cargo to be provided by A, B receiving a certain freight for its conveyance. A does not provide any cargo for the ship. A cannot claim the performance of B's promise and must make compensation to B for his failure.

(*b.*) A contracts with B to execute certain builders' work for a fixed price, B supplying the scaffolding and timber necessary for the work. B refuses to furnish any scaffolding or timber, and the work cannot be executed. A need not execute the work, and B is bound to make compensation to A for any loss caused to him by the non-execution of the contract.

(*c.*) A contracts with B to deliver to him at a specified price certain merchandise on board a ship which cannot arrive for a month, and B engages to pay for the merchandise within a week from the date of the contract. B does not pay within the week. A's promise to deliver need not be performed and B must make compensation.

(*d.*) A promises B to sell him one hundred bales of merchandise, to be delivered next day, and B promises A to pay for them within a month. A does not deliver according to his promise. B's promise to pay need not be performed, and A must make compensation.

Effect as to time in contract to do certain things at certain times.

55. When any party to a contract promises to do a certain thing at or before a specified time or certain things at or before specified times, and fails to do them at those times, the contract, or so much of it as has not been performed, becomes voidable, at the option of the promisee, if the intention of the parties was that time should be of the essence of the contract.

If it was not the intention of the parties that time should be of the essence of the contract, the contract does not become voidable by the failure to perform at the time agreed, but the promisee is entitled to compensation from the promisor for any loss he may have incurred by such failure.

If, in case of a contract voidable on account of the promisor's failure to perform his promise at the time agreed, the promisee accepts performance of such promise at any time other than that agreed, the promisee cannot claim compensation for any loss occasioned by its non-performance at the proper time, unless, at the time of such acceptance, he gives notice of his intention to do so to the promisee.

Promise to do an impossible act or one which afterwards becomes illegal.

56. An agreement to do an act impossible in itself is void.

A contract to do an act which, after the contract is made, becomes impossible, or, by reason of some event which the promisor could not prevent, unlawful, becomes void when the act becomes impossible or unlawful.

Where one person contracts to do something which he knows, or with reasonable diligence might have known, and which the other party to the contract did not know, to be impossible, or unlawful, the person so contracting is bound to make compensation to such other party for any loss which he has sustained by the non-performance of the promise.

Illustrations.

(*a.*) A agrees with B to discover treasure by magic. The agreement is void.

(*b.*) A and B contract to marry each other. Before the time fixed for the marriage, A goes mad. The contract becomes void.

(*c.*) A contracts to marry B, being already married to C, and being forbidden by the law to which he is subject to practise polygamy, A must make compensation to B for the loss caused to her by the non-performance of his promise.

(*d.*) A contracts to take in cargo for B at a foreign port. The Government afterwards declares war against the country in which the port is situated. The contract becomes void when war is declared.

(*e.*) A contracts to act at a theatre for six months in consideration of a sum paid in advance by B. On several occasions B is too ill to act. The contract to act on those occasions becomes void.

Alternative reciprocal promises one set of which is unlawful.

57. If persons reciprocally promise to act in a certain way, and, under specified circumstances, to act in a certain other way, and, if any of the promises to be substituted under those circumstances for the first set of promises are for an unlawful object or consideration, the set of promises to be substituted are a void agreement; but the set of promises for which they are to be substituted may be a contract.

Illustration.

A and B agree that A shall sell B a house for 10,000 rupees, but that, if B uses it as a gambling house, he shall pay A 50,000 rupees for it.

The first set of reciprocal promises, namely, to sell the house and to pay 10,000 rupees for it, form a valid contract.

The second set are for an unlawful object, namely, that B may use the house as a gambling house, and are a void agreement.

Reciprocal promises one of which is in the alternative, one branch of the alternative being unlawful.

58. In the case of an alternative promise one branch of which is legal and the other illegal, the legal branch alone can be enforced.

Illustration.

A and B agree that A shall pay B 1,000 rupees for which B shall afterwards deliver to A either rice or smuggled opium.

This is a valid contract to deliver rice, and a void agreement as to the opium.

APPROPRIATION OF PAYMENTS.

Where there are several distinct debts and the debt to which payment is to be applied is indicated.

59. Where a man, owing several distinct debts to one person, makes a payment to him, either with express intimation, or under circumstances implying, that the payment is to be applied to the discharge of some particular debt, the payment, if accepted, must be applied accordingly.

Illustrations.

(*a.*) A owes B (among other debts) 1,000 rupees upon a promissory note, which falls due on the 1st June. He owes B no other debt of that amount. On the 1st June A pays to B 1,000 rupees. The payment is to be applied to the discharge of the promissory note.

(*b.*) A owes to B (among other debts) the sum of 567 rupees. B writes to A and demands payment of this sum. A sends to B 567 rupees. This payment is to be applied to the discharge of the debt of which B had demanded payment.

Where there are several distinct debts and the debt to which payment is to be applied is not indicated.

60. Where the debtor has omitted to intimate, and there are no other circumstances indicating, to which debt the payment is to be applied, the creditor may apply it at his discretion to any lawful debt actually due and payable to him from the payer, whether its recovery is or is not barred by the law in force for the time being relating to the limitation of suits.

Where neither party makes any appropriation.

61. Where neither party makes any appropriation, the payment shall be applied in discharge of the debts in order of time, whether they are or are not recoverable under the law relating to the limitation of suits. If they are of equal standing, the payment shall be applied in discharge of each proportionably.

CONTRACTS WHICH NEED NOT BE PERFORMED.

Contracts may be rescinded or altered.

62. If the parties to a contract agree to substitute a new contract for it, or to rescind or alter it, the original contract need not be performed.

Illustrations.

(*a*) A owes money to B under a contract. It is agreed between A, B and C that B shall thenceforth accept C as his debtor instead of A. The old debt of A to B is at an end, and a new debt from C to B has been contracted.

(*b.*) A owes B 10,000 rupees A enters into an arrangement with B, and gives him a mortgage of A's estate for 5,000 rupees in place of the debt of 10,000 rupees. This is a new contract and extinguishes the old.

(*c.*) A owes B 1,000 rupees under a contract. B owes C 1,000 rupees. B orders A to credit C with 1,000 rupees in his books, but C does not assent to the arrangement. B still owes C 1,000 rupees, and no new contract has been entered into.

Dispensation with, or remittance of, or acceptance of, satisfaction in lieu of performance.

63. Every promisee may dispense with, or remit wholly or in part, the performance of the promise made to him, or may extend the time for it, or may accept instead of it any satisfaction which he thinks fit.

Illustrations.

(*a.*) A promises to paint a picture for B. B afterwards forbids him to do so. A is no longer bound to perform the promise.

(*b.*) A owes B 5,000 rupees. A pays to B, and B accepts, in satisfaction of the whole debt 2,000 rupees paid at the time and place at which the 5,000 rupees were payable. The whole debt is discharged.

(*c.*) A owes B 5,000 rupees. C pays to B 1,000 rupees, and B accepts them, in satisfaction of his claim on A This payment is a discharge of the whole claim.

(*d.*) A owes B, under a contract, a sum of money, the amount of which has not been ascertained. A, without ascertaining the amount, gives to B, and B, in satisfaction thereof, accepts, the sum of 2,000 rupees. This is a discharge of the whole debt, whatever may be its amount.

(*e.*) A owes B 2,000 rupees, and is also indebted to other creditors. A makes an arrangement with his creditors, including B, to pay them a compensation of eight annas in the rupee upon their respective demands. Payment to B of 1,000 rupees is a discharge of B's demand.

Consequences of rescission or alteration.

64. When a person, at whose option a contract is voidable, rescinds it, the other party thereto need not perform any promise therein contained in which he is promisor. The party rescinding a voidable contract shall, if he have received any benefit thereunder from another party to such contract, restore such benefit, so far as may be, to the person from whom it was received.

Obligation of person who has received advantage under agreement or contract void or rescinded.

65. When an agreement is discovered to be void, or when a contract becomes void, any person who has received any advantage under such agreement or contract is bound to restore it or to make compensation for it to the person from whom he received it.

Illustrations.

(*a.*) A pays B 1,000 rupees in consideration of A's promising to marry C, A's daughter. C is dead at the time of the promise. The agreement is void, but B must repay A the 1,000 rupees.

(*b.*) A contracts with B to deliver to him 250 maunds of rice before the 1st of May. A delivers 130 maunds only before that day, and none after. B retains the 130 maunds after the 1st of May. He is bound to pay A for them.

(*c.*) A, a singer, contracts with B, the manager of a theatre, to sing at his theatre for two nights in every week during the next two months, and B engages to pay her 100 rupees for each night's performance. On the sixth night, A wilfully absents herself from the theatre, and B, in consequence, rescinds the contract. B must pay A for the five nights on which she had sung.

(*d.*) A contracts to sing for B at a concert for 1,000 rupees, which are paid in advance. A is too ill to sing. A is not bound to make compensation to B for the loss of the profits which he would have made if A had been able to sing, but must refund the 1,000 rupees paid in advance.

Mode of communicating or revoking rescission of voidable contract.

66. The rescission of a voidable contract may be communicated or revoked in the same manner, and subject to the same rules, as apply to the communication or revocation of a proposal.

Parties mutually bound to facilitate performance.

67. If any promisee neglects or refuses to afford the promisor reasonable facilities for the performance of his promise, the promisor is excused by such neglect or refusal as to any non-performance caused thereby.

Illustration.

A contracts with B to repair B's house.

B neglects or refuses to point out to A the places in which his house requires repair.

B is excused for the non-performance of the contract, if it is caused by such neglect or refusal.

CHAPTER V.

OF CERTAIN OBLIGATIONS RESEMBLING THOSE CREATED BY CONTRACT.

Supply of necessaries to persons incapable of contracting.

68. If a person incapable of entering into a contract, or any one whom he is legally bound to support, is supplied by another person with necessaries suited to his condition in life, the person who has furnished such supplies is entitled to be reimbursed from the property of such incapable person.

Illustrations.

(*a.*) A supplies B, a minor, with necessaries suitable to his condition in life. A is entitled to be reimbursed from B's property.

(*b.*) A supplies the wife and children of B, a lunatic with necessaries suitable to their condition in life. A is entitled to be reimbursed from B's property.

Reimbursement of person paying what another is bound to pay.

69. A person who is interested in the payment of money which another is bound by law to pay, and who therefore pays it, is entitled to be reimbursed by the other.

Illustration.

B holds land in Bengal on a lease granted by A, the zemindar. The revenue payable by A to the Government being in arrear, his land is advertised for sale by the Government. Under the revenue law, the consequence of such sale will be the annulment of B's lease. B, to prevent the sale and the consequent annulment of his own lease, pays to the Government the sum due from A. A is bound to make gobd to B the amount so paid.

Effect of non-gratuitous act of which a person enjoys the benefit.

70. Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so gratuitously, and the other enjoys the benefit thereof, the latter is bound to restore, or to make compensation to the former in respect of, the thing so done or delivered.

Illustration.

(*a.*) A, a tradesman, leaves goods at B's house by mistake. B treats the goods as his own. He is bound to pay A for them.

(*b.*) A saves B's property from fire. A is not entitled to compensation from B, if the circumstances show that he intended to act gratuitously.

Responsibility of finder of goods.

71. A person who finds goods belonging to another, and takes them into his custody, is subject to the same responsibility as a bailee.

Liability of person to whom money is paid by mistake or coercion.

72. A person to whom money has been paid by mistake, or under coercion, must repay it.

Illustrations.

(*a.*) A and B jointly owe 100 rupees to C. A alone pays the amount to C, and B, not knowing this fact, pays 100 rupees over again to C. C is bound to repay the amount to B.

(*b.*) A railway company refuses to deliver up certain goods to the consignee, except upon the payment of an illegal charge for carriage. The consignee pays the sum charged in order to obtain the goods. He is entitled to recover so much of the charge as was illegally excessive.

CHAPTER VI.

OF THE CONSEQUENCES OF THE BREACH OF CONTRACT AND NON-PERFORMANCE OF OBLIGATIONS.

Party rightfully terminating contract entitled to compensation.

73. A person who rightfully rescinds a contract, is entitled to compensation for any damage which he has sustained through the non-fulfilment of the contract.

Illustration.

(*a.*) A, a singer contracts with B, the manager of a theatre, to sing at his theatre for two nights in every week during the next two months, and B engages to pay her 100 rupees for each night's performance. On the sixth night, A wilfully absents himself from the theatre, and B, in consequence, rescinds the contract. A is entitled to claim compensation for the damage which he has sustained through the non-fulfilment of the contract.

Payment of sum specified to be paid in case of breach.

Payment of compensation.

74. When a contract has been broken, and has not been discharged, the party who suffers by such breach is entitled to receive from the party, who has broken the contract, compensation for any loss or damage caused to him thereby which naturally arose in the usual course of things from such breach, or which the parties knew, when they made the contract, to be likely to result from the breach of it.

Such compensation is not to be given for any remote and indirect loss or damage sustained by reason of the breach.

When an obligation resembling those created by contract has been incurred and has not been discharged, any person, injured by the failure to discharge it, is entitled to receive the same compensation from the party in default as if he had contracted to discharge it and had broken his contract.

Explanation.—In estimating the loss, the means which existed of remedying the inconvenience caused by the non-performance of the contract, must be taken into account.

Illustrations.

(*a.*) A contracts to sell and deliver 50 maunds of saltpetre to B at a certain price, to be paid on delivery. A breaks his promise. B is entitled to receive from A, by way of compensation, the sum, if any, by which the contract price falls short of the price for which B might have obtained 50 maunds of saltpetre of like quality at the time when the saltpetre ought to have been delivered.

(*b.*) A hires B's ship to go to Bombay and there take on board, on the 1st of January, a cargo (which A is to provide) and to bring it to Calcutta, the freight to be paid when earned. B's ship does not go to Bombay, but A has opportunities of procuring suitable conveyance for the cargo upon terms as advantageous as those on which he had chartered the ship. A avails himself of those opportunities, but is put to trouble and expense in doing so. A is entitled to receive compensation from B in respect of such trouble and expense.

(*c.*) A contracts to buy of B, at a stated price, 50 maunds of rice, no time being fixed for delivery. A afterwards informs B that he will not accept the rice if tendered to him. B is entitled to receive from A, by way of compensation, the amount, if any, by which the contract price exceeds that which B can obtain for the rice at the time when A informs B that he will not accept it.

(*d.*) A contracts to buy B's ship for 60,000 rupees, but breaks his promise. A must pay to B, by way of compensation, the excess, if any, of the contract price over the price which B can obtain for the ship at the time of the breach of promise.

(*e.*) A, in November, contracts to buy of B, at a stated price, 100 bales of jute, to be delivered on the 1st of January. On the 15th of December, A gives notice to B that he will not accept the jute. On the 1st January, the jute is tendered to A, who refuses to accept it. A must pay to B, by way of compensation, the excess, if any, of the contract price over the sum which B could obtain for the jute on the 1st of January.

(*f.*) A, the owner of a boat, contracts with B to take a cargo of jute to Mirzapúr, for sale at that place, starting on a specified day. The boat, owing to some unavoidable cause, does not start at the time appointed, whereby the arrival of the cargo at Mirzapúr is delayed beyond the time when it would have arrived if the boat had sailed according to the contract. After that date, and before the arrival of the cargo, the price of jute falls. The measure of the compensation payable to B by A is the difference between the price which B could have obtained for the cargo at Mirzapúr at the time when it would have arrived if forwarded in due course and its market price at the time when it actually arrived.

(*g.*) A contracts to repair B's house in a certain manner, and receives payment in advance. A repairs the house, but not according to contract. B is entitled to recover from A the cost of making the repairs conform to the contract.

(*h.*) A contracts to let his ship to B for a year, from the 1st of January, for a certain price. Freights rise, and, on the 1st of January, the hire obtainable for the ship is higher than the contract price. A breaks his promise. He must pay to B, by way of compensation, a sum equal to the difference between the contract price and the price for which B could hire a similar ship for a year on and from the 1st of January.

(*i.*) A contracts to supply B with a certain quantity of iron at a fixed price, being a higher price than that for which A could procure and deliver the iron. B wrongfully refuses to receive the iron. B must pay to A, by way of compensation, the difference between the contract price of the iron and the sum for which A could have obtained and delivered it.

(*j.*) A delivers to B, a common carrier, a machine, to be conveyed, without delay, to A's mill, informing B that his mill is stopped for want of the machine. B unreasonably delays the delivery of the machine, and A, in consequence, loses a profitable contract with the Government A is entitled to receive from B, by way of compensation, the average amount of profit which would have been made by the working of the mill during the time that delivery of it was delayed, but not the loss sustained by not obtaining the Government contract.

(*k.*) A having contracted with B to supply B with 1,000 tons of iron at 100 rupees a ton, to be delivered at a stated time, contracts with C for the purchase of 1,000 tons of iron at 80 rupees a ton, telling C that he does so for the purpose of performing his contract with B. C fails to perform his contract with A, who cannot procure other iron, and, in consequence, fails to perform his contract with B. C must pay to A 20,000 rupees, being the profit which A would have made by the performance of his contract with B.

(*l.*) A contracts with B to make and deliver to B, by a fixed day, for a specified price, a certain piece of machinery. A does not deliver the piece of machinery at the time specified, and, in consequence of this, B is obliged to procure another at a higher price than that which he was to have paid to A, and is prevented from performing a contract which B had made with a third person at the time of his contract with A (but which had not been then communicated to A), and was compelled to make compensation for breach of that contract. A must pay to B, by way of compensation, the difference between the contract price of the piece of machinery and the sum paid by B for another, but not the sum paid by B to the third person by way of compensation.

(*m.*) A, a builder, contracts to erect and finish a house by the 1st of January, in order that B may give possession of it at that time to C, to whom B has contracted to let it. A is informed of the contract between B and C. A builds the house so badly that, before the 1st of January, it falls down and has to be re-built by B, who, in consequence, loses the rent which he was to have received from C, and is obliged to make compensation to C for the breach of his contract. A must make compensation to B for the cost of re-building the house, for the rent lost, and for the compensation made.

(*n.*) A sells certain merchandise to B warranting it to be of a particular quality, and B, in reliance upon this warranty, sells it to C with a similar warranty. The goods prove to be not according to the warranty, and B becomes liable to pay C a sum of money by way of compensation. B is entitled to be reimbursed this sum by A.

(*o.*) A contracts to pay a sum of money to B on a day specified. A does not pay the money on that day. B, in consequence of not receiving the money on that day, is unable to pay his debts, and is totally ruined. A is not liable to make good to B anything except the principal sum he contracted to pay, together with interest up to the day of payment.

(*p.*) A contracts to deliver 50 maunds of saltpetre to B on the 1st of January, at a certain price. B afterwards, before the 1st of January, contracts to sell the saltpetre to C at a price higher than the market price of the 1st of January. A breaks his promise. In estimating the compensation payable by A to B, the market price of the 1st of January, and not the profit which would have arisen to B from the sale to C, is to be taken into account.

(*q.*) A contracts to sell and deliver 500 bales of cotton to B on a fixed day. A knows nothing of B's mode of conducting his business. A breaks his promise, and B, having no cotton, is obliged to close his mill. A is not responsible to B for the loss caused to B by the closing of the mill.

(*r.*) A contracts to sell and deliver to B, on the 1st of January, certain cloth which B intends to manufacture into caps of a particular kind, for which there is no demand, except at that season. The cloth is not delivered till long after the appointed time, and too late to be used that year in making caps. A is entitled to receive from B, by way of compensation, the difference between the contract price of the cloth and its market price at the time of delivery, but not the profits which he expected to obtain by making caps, nor the expenses which he has been put to in making preparation for the manufacture.

(*s.*) A, a ship-owner, contracts with B to convey him from Calcutta to Sydney in A's ship, sailing on the 1st of January, and B pays to A, by way of deposit, one-half of his passage-money. The ship does not sail on the 1st of January, and B, after being, in consequence, detained in Calcutta for some time, and thereby put to some expense, proceeds to Sydney in another vessel, and, in consequence, arriving too late in Sydney, loses a sum of money. A is liable to repay to B his deposit, with interest, and the expense to which he is put by his detention in Calcutta, and the excess, if any, of the passage-money paid for the second ship over that agreed upon for the first, but not the sum of money which B lost by arriving in Sydney too late.

Title to compensation for breach of contract in which a sum is named as payable in case of breach.

75. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named.

Explanation.—Where under provisions of any law, any person enters into any bond to perform any condition under a specified penalty, he is liable to pay the full amount of such penalty if he does not perform the condition of the bond.

Illustrations.

(*a.*) A contracts with B to pay B Rs. 1,000 if he fails to pay B Rs. 500 on a given day. A fails to pay B Rs. 500 on that day. B is entitled to recover from A such compensation not exceeding Rs. 1,000 as the Court considers reasonable.

(*b.*) A contracts with B that if A practises as a surgeon within Calcutta he will pay B Rs. 5,000. A practises as a surgeon in Calcutta. B is entitled to such compensation not exceeding Rs. 5,000 as the Court considers reasonable.

(*c.*) A gives a recognizance binding him in a penalty of Rs. 500 to appear in Court on a certain day. He forfeits his recognizance. He is liable to pay the whole penalty.

CHAPTER VII.

SALE OF GOODS.

WHEN PROPERTY IN GOODS SOLD PASSES.

'Goods' defined.

76. In this chapter, the word 'goods' means and includes every kind of moveable property.

'Sale' defined.

77. Sale is the exchange of property for a price. It involves the transfer of the ownership of the thing sold from the seller to the buyer.

Sale how effected.

78. Sale is effected by offer and acceptance of ascertained goods for a price,

or of a price for ascertained goods,

together with payment of the price or delivery of the goods, or with tender, part payment, earnest, or part delivery, or with an agreement, express or implied, that the payment, or delivery, or both, shall be postponed.

Where there is a contract for the sale of ascertained goods, the property in the goods sold passes to the buyer when the whole or part of the price or when the earnest is paid, or when the whole or part of the goods are delivered.

If the parties agree expressly, or by implication, that the payment or delivery, or both, shall be postponed, the property passes as soon as the proposal for sale is accepted.

Illustrations.

(*a.*) B offers to buy A's horse for 500 rupees. A accepts B's offer, and delivers the horse to B. The horse becomes B's property on delivery.

(*b.*) A sends goods to B, with the request that he will buy them at a stated price if he approves of them, or return them if he does not approve of them. B retains the goods, and informs A that he approves of them. The goods become B's when B retains them.

(*c.*) B offers A, for his horse, 1,000 rupees, the horse to be delivered to B on a stated day, and the price to be paid on another stated day. A accepts the offer. The horse becomes B's as soon as the proposal is accepted.

(*d.*) B offers A, for his horse, 1,000 rupees, on a month's credit. A accepts the offer. The horse becomes B's as soon as the offer is accepted.

(*e.*) B, on the 1st January, offers to A, for a quantity of rice, 2,000 rupees, to be paid on the 1st March following, the rice not to be taken away till paid for. A accepts the offer. The rice becomes B's as soon as the offer is accepted.

Effect of agreement for sale of thing to be ascertained, made, or finished.

79. Where there is a contract for the sale of a thing which has yet to be ascertained, made, or finished, the ownership of the thing is not transferred to the buyer until it is ascertained, made, or finished.

Illustration.

B orders A, a barge-builder, to make him a barge. The price is not made payable by instalments. While the barge is building, B pays to A money from time to time on account of the price. The ownership of the barge does not pass to B until it is finished.

Sale of goods which the seller is to put into state in which buyer is to take them.

80. Where, by a contract for the sale of goods, the seller is to do anything to them for the purpose of putting them into a state in which the buyer is to take them, the sale is not complete until such thing has been done.

Illustrations.

(*a.*) A, a ship-builder, contracts to sell to B, for a stated price, a vessel which is lying in A's yard; the vessel to be rigged and fitted for a voyage, and the price to be paid on delivery. Under the contract, the property in the vessel does not pass to B until the vessel has been rigged, fitted up, and delivered.

(*b.*) A contracts to build a ship for B for a price, payable by instalments, dependent on the progress of the building of the ship, and the ship is to be built under B's superintendence. The ownership of the materials incorporated with the ship passes to B at the time of incorporation, as this was intended by the parties, but the materials lying in A's yard, though suited and intended for the ship, do not pass to B until they are actually incorporated with the ship.

Sale of goods when seller has to do anything thereto in order to ascertain price.

81. Where anything remains to be done to the goods by the seller for the purpose of ascertaining the amount of the price, the sale is not complete until this has been done.

Illustrations.

(*a.*) A, owner of a stack of bark, contracts to sell it to B, weigh and deliver it, at 100 rupees per ton. B agrees to take and pay for it on a certain day. Part is weighed and delivered to B; the ownership of the residue is not transferred to B until it has been weighed pursuant to the contract.

(*b.*) A contracts to sell a heap of clay to B at a certain price per ton. B is, by the contract, to load the clay in his own carts, and to weigh each load at a certain weighing machine which his carts must pass over on their way from A's ground to B's place of deposit. Here, nothing more remains to be done by the seller; the sale is complete, and the ownership of the heap of clay is transferred at once.

Sale when goods are unascertained at date of agreement.

82. Where the goods are not ascertained at the time of making the contract of sale, it is necessary to the completion of the sale that the goods shall be ascertained.

Illustration.

A agrees to sell to B, 20 tons of oil in A's cisterns. A's cisterns contain more than 20 tons of oil. No portion of the oil has become the property of B.

Ascertainment of goods by subsequent appropriation.

83. Where the goods are not ascertained at the time of making the agreement for sale, but goods answering the description in the agreement are subsequently appropriated by one party for the purpose of the agreement, and that appropriation is assented to by the other, the goods have been ascertained, and the sale complete.

Illustration.

A, having a quantity of sugar in bulk, more than sufficient to fill 20 hogsheads, contracts to sell B 20 hogsheads of it. After the contract, A fills 20 hogsheads with the sugar, and gives notice to B that the hogsheads are ready, and requires him to take them away. B says he will take them as soon as he can. By this appropriation by A and assent by B, the sugar becomes the property of B.

Ascertainment of goods by seller's selection.

84. Where the goods are not ascertained at the time of making the contract of sale, and by the terms of the contract, the seller is to do an act with reference to the goods which cannot be done until they are appropriated to the buyer, the seller has a right to select any goods answering to the contract, and by his doing so, the goods are ascertained.

Illustration.

B agrees with A to purchase of him, at a stated price, to be paid on a fixed day, 50 maunds of rice out of a larger quantity in A's granary. It is agreed that B shall send sacks for the rice, and that A shall put the rice into them. B does so, and A puts 50 maunds of rice into the sacks. The goods have been ascertained.

Agreement for sale of immoveable and moveable property combined.

85. Where an agreement is made for the sale of immoveable and moveable property combined, the ownership of the moveable property does not pass before the transfer of the immoveable property.

Illustration.

A agrees with B for the sale of a house and furniture. The ownership of the furniture does not pass to B until the house is conveyed to B.

Buyer's risk.

86. When goods have become the property of the buyer, he must bear any loss arising from their destruction or injury.

Illustrations.

(*a*) B offers, and A accepts, 100 rupees for a stack of fire-wood standing on A's premises, the fire-wood to be allowed to remain on A's premises till a certain day, and not to be taken away till paid for. Before payment, and while the fire-wood is on A's premises, it is accidentally destroyed by fire. B must bear the loss.

(*b.*) A bids 1,000 rupees for a picture at a sale by auction. After the bid, it is injured by an accident. If the accident happens before the hammer falls, the loss falls on the seller; if afterwards, on A.

Transfer of ownership of goods agreed to be sold while non-existent.

87. When there is a contract for the sale of goods not yet in existence, the ownership of the goods may be transferred by acts done after the goods are produced, in pursuance of the contract, by the seller, or by the buyer with the seller's assent.

Illustrations.

(*a.*) A contracts to sell to B, for a stated price, all the indigo which shall be produced at A's factory during the ensuing year. A, when the indigo has been manufactured, gives B an acknowledgment that he holds the indigo at his disposal The ownership of the indigo vests in B from the date of the acknowledgment.

(*b.*) A, for a stated price, contracts that B may take and sell any crops that shall be grown on his land in succession to the crops then standing. Under this contract, B, with the assent of A, takes possession of some corps grown in succession to the crops standing at the time of the contract. The ownership of the crops, when taken possession of, vests in B.

(*c.*) A, for a stated price, contracts that B may take and sell any crops that shall be grown on his land in succession to the crops then standing. Under this contract, B applies to A for possession of some crops grown in succession to the crops which were standing at the time of the contract. A refuses to give possession. The ownership of the crops has not passed to B, though A may commit a breach of contract in refusing to give possession.

Contract to sell and deliver at a future day, goods not in seller's possession at date of contract.

88. A contract for the sale of goods to be delivered at a future day is binding, though the goods are not in the possession of the seller at the time of making the contract, and though, at that time, he has no reasonable expectation of acquiring them otherwise than by purchase.

Illustration.

A contracts, on the 1st January, to sell B 50 shares in the East Indian Railway Company, to be delivered and paid for on the 1st March of the same year. A, at the time of making the contract is not in possession of any shares. The contract is valid.

Determination of unfixed price.

89. Where the price of goods sold is not fixed by the contract of sale, the buyer is bound to pay the seller such a price as the Court considers reasonable.

Illustration.

B, living at Patna, orders of A, a coach-builder at Calcutta, a carriage of a particular description. Nothing is said by either as to the price. The order having been executed, and the price being in dispute between the buyer and the seller, the Court must decide what price it considers reasonable.

DELIVERY.

Delivery how made.

90. Delivery of goods sold may be made by doing anything which has the effect of putting them in the possession of the buyer, or of any person authorized to hold them on his behalf.

Illustrations.

(*a.*) A sells to B a horse, and causes or permits it to be removed from A's stables to B's. The removal to B's stable is a delivery.

(*b.*) B, in England, orders 100 bales of cotton from A, a merchant of Bombay, and sends his own ship to Bombay for the cotton. The putting the cotton on board the ship is a delivery to B.

(*c.*) A sells to B certain specific goods which are locked up in a godown. A gives B the key of the godown, in order that he may get the goods. This is a delivery.

(*d.*) A sells to B five specific casks of oil. The oil is in the warehouse of A. B sells the five casks to C. A receives warehouse rent for them from C. This amounts to a delivery of the oil to C, as it shows an assent on the part of A to hold the goods as warehouseman of C.

(*e.*) A sells to B 50 maunds of rice in the possession of C, a warehouseman. A gives B an order to C to transfer the rice to B, and C assents to such order, and transfers the rice in his books to B. This is a delivery.

(*f.*) A agrees to sell B five tons of oil, at 1,000 rupees per ton, to be paid for at the time of delivery. A gives to C, a wharfinger, at whose wharf he had twenty tons of the oil, an order to transfer five of them into the name of B. C makes the transfer in his books, and gives A's clerk a notice of the transfer for B. A's clerk takes the transfer notice to B, and offers to give it him on payment of the bill. B refuses to pay. There has been no delivery to B, as B never assented to make C his agent to hold for him the five tons selected by A.

Effect of delivery to wharfinger or carrier.

91. A delivery to a wharfinger or carrier of the goods sold, has the same effect as a delivery to the buyer, but does not render the buyer liable for the price of goods which do not reach him, unless the delivery is so made as to enable him to hold the wharfinger or carrier responsible for the safe delivery of the goods.

Illustration.

B, at Agra, orders of A, who lives at Calcutta, three casks of oil to be sent to him by railway. A takes three casks of oil directed to B to the railway station, and leaves them there without conforming to the rules which must be complied with in order to render the Railway Company responsible for their safety. The goods do not reach B. There has not been a sufficient delivery to charge B in a suit for the price.

Effect of part-delivery.

92. A delivery of part of goods in progress of the delivery of the whole has the same effect, for the purpose of passing the property in such goods, as a delivery of the whole; but a delivery of part of the goods, with an intention of severing it from the whole, does not operate as a delivery of the remainder.

Illustrations.

(*a.*) A ship arrives in a harbour laden with a cargo consigned to A, the buyer of the cargo. The captain begins to discharge it, and delivers over part of the goods to A in progress of the delivery of the whole. This is a delivery of the cargo to A for the purpose of passing the property in the cargo.

(*b.*) A sells to B a stack of fire-wood, to be paid for by bill on delivery. After the sale, B applies for and obtains from A leave to take away some of the fire-wood. This has not the legal effect of delivery of the whole.

(*c.*) A sells 50 maunds of rice to B. The rice remains in A's warehouse. After the sale, B sells to C 10 maunds of the rice, and A, at B's desire, sends the 10 maunds to C. This has not the legal effect of a delivery of the whole.

Seller not bound to deliver until buyer applies for possession.

93. In the absence of any special promise to the contrary, the seller of goods is not bound to deliver them until the buyer applies for possession.

Place of delivery.

94. In the absence of any promise as to delivery, goods sold are to be delivered at the place at which they are at the time of the sale, and goods contracted to be sold are to be delivered at the place at which they are at the time of the contract for sale, or, if not then in existence, at the place at which they are produced.

SELLER'S LIEN.

Seller's lien.

95. Unless a contrary intention appears by the contract, a seller has a lien on sold goods as long as they remain in his possession, and the price or any part of it remains unpaid.

Lien where payment to be made at a future day, but no time fixed for delivery.

'Insolvency' defined.

96. Where, by the contract, the payment is to be made at a future day, but no time is fixed for the delivery of the goods, the seller has no lien, and the buyer is entitled to a present delivery of the goods without payment. But if the buyer becomes insolvent before delivery of the goods, or if the time appointed for payment arrives before the delivery of the goods, the seller may retain the goods for the price.

Explanation.—A person is insolvent who has ceased to pay his debts in the usual course of business, or who is incapable of paying them.

Illustration.

A sells to B a quantity of sugar in A's warehouse. It is agreed that three months' credit shall be given. B allows the sugar to remain in A's warehouse. Before the expiry of the three months, B stops payment. A may retain the goods for the price.

Where payment to be made at future day, and buyer allows goods to remain in seller's possession.

97. Where, by the contract the payment is to be made at a future day, and the buyer allows the goods to remain in the possession of the seller until that day, and does not then pay for them, the seller may retain the goods for the price.

Illustration.

A sells to B a quantity of sugar in A's warehouse. It is agreed that three months' credit shall be given. B allows the sugar to remain in A's warehouse till the expiry of the three months, and then does not pay for them. A may retain the goods for the price.

Seller's lien against subsequent buyer.

98. A seller, in possession of goods sold, may retain them for the price against any subsequent buyer, unless the seller has recognized the title of the subsequent buyer.

STOPPAGE IN TRANSIT.

Power to stop in transit.

99. A seller who has parted with the possession of the goods, and has not received the whole price, may, if buyer becomes insolvent, stop the goods while they are in transit to the buyer.

When goods are to be deemed in transit.

100. Goods are to be deemed in transit while they are in the possession of the carrier, or lodged at any place in the course of transmission to the buyer, and are not yet come into the possession of the buyer, or any person on his behalf, otherwise than as being in possession of the carrier, or as being so lodged.

Illustrations.

(*a.*) B, living at Madras, orders goods of A, at Patna, and directs that they shall be sent to Madras. The goods are sent to Calcutta, and there delivered to C, a wharfinger, to be forwarded to Madras. The goods, while they are in the possession of C, are in transit.

(*b.*) B, at Delhi, orders goods of A, at Calcutta. A consigns and forwards the goods to B at Delhi. On arrival there, they are taken to the warehouse of B, and left there. B refuses to receive them, and immediately afterwards stops payment. The goods are in transit.

(c.) B, who lives at Puná, orders goods of A at Bombay. A sends them to Puná by C, a carrier appointed by B. The goods arrive at Puná, and are placed by C, at B's request, in C's warehouse for B. The goods are no longer in transit.

(d.) B, a merchant of London, orders 100 bales of cotton of A, a merchant at Bombay. B sends his own ship to Bombay for the cotton. The transit is at an end when the cotton is delivered on board the ship.

(e.) B, a merchant of London, orders 100 bales of cotton of A, a merchant at Bombay. B sends his own ship to Bombay for the cotton. A delivers the cotton on board the ship, and takes bills of lading from the master, making the cotton deliverable to A's order or assigns. The cotton arrives at London, but before coming into B's possession, B becomes insolvent. The cotton has not been paid for. A may stop the cotton.

Continuance of right of stoppage.

101. The right of stoppage does not, except in the cases hereinafter mentioned, cease on the buyer's re-selling the goods while in transit, and receiving the price, but continues until the goods have been delivered to the second buyer, or to some person on his behalf.

Cessation of right on assignment of bill of lading.

102. The right of stoppage ceases if the buyer, having obtained a bill of lading or other document showing title to the goods, assigns it, while the goods are in transit, to a second buyer, who is acting in good faith, and who gives valuable consideration for them.

Illustrations.

(a.) A sells and consigns certain goods to B. A being still unpaid, B becomes insolvent, and while the goods are in transit, assigns the bill of lading for cash to C, who is not aware of his insolvency. A cannot stop the goods in transit.

(b.) A sells and consigns certain goods to B. A being still unpaid, B becomes insolvent, and while the goods are still in transit, assigns the bill of lading for cash to C, who knows that B is insolvent. The assignment not being in good faith, A may still stop the goods in transit.

Stoppage on payment to pledgee of amount of claim.

103. Where a bill of lading or other instrument of title to any goods is assigned by the buyer of such goods by way of pledge, to secure an advance made specifically upon it, in good faith, the seller cannot, except on payment or tender to the pledgee of the advance so made, stop the goods in transit.

Illustrations.

(a.) A sells and consigns goods to B of the value of 12,000 rupees. B assigns the bill of lading for those goods to C, to secure a specific advance of 5,000 rupees made to him upon the bill of lading by C. B becomes insolvent, being indebted to C to the amount of 9,000 rupees. A is not entitled to stop the goods except on payment or tender to C of 5,000 rupees.

(b.) A sells and consigns goods to B of the value of 12,000 rupees B assigns the bill of lading for those goods to C, to secure the sum of 5,000 rupees due from him to C, upon a general balance of account. B becomes insolvent. A is entitled to stop the goods in transit without payment or tender to C of the 5,000 rupees.

Stoppage how effected.

104. The seller may effect stoppage in transit either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other depositary in whose possession they are.

Notice of seller's claim.

105. Such notice may be given either to the person who has the immediate possession of the goods, or to the principal whose servant has possession. In the latter case, the notice must be given at such a time, and under such circumstances, that the principal, by the exercise of reasonable diligence, may communicate it to his servant in time to prevent a delivery to the buyer.

Right of seller on stoppage.

106. Stoppage in transit entitles the seller to hold the goods stopped until the price of the whole of the goods sold is paid.

Illustration.

A sells to B 100 bales of cotton; 60 bales having come into B's possession, and 40 being still in transit. B becomes insolvent, and A being still unpaid, stops the 40 bales in transit. A is entitled to hold the 40 bales until the price of the 100 bales is paid.

RE-SALE.

Re-sale on buyer's failure to perform.

107. Where the buyer of goods fails to perform his part of the contract either by not taking the goods sold to him, or by not paying for them, the seller, having a lien on the goods, or having stopped them in transit, may, after giving notice to the buyer of his intention to do so, re-sell them after the lapse of a reasonable time, and the buyer must bear any loss, but is not entitled to any profit which may occur on such re-sale.

TITLE.

Title conveyed by seller of goods to buyer.

108. No seller can give to the buyer of goods a better title to those goods than he has himself, except in the following cases:—

Exception 1. When any person is, by the consent of the owner in possession of any good or in possession of any bill of lading, dock-warrant, warehouse-keeper's certificate, wharfinger's certificate or warrant or order for delivery, or other document showing title to the goods, he many transfer the ownership of the goods of which he is so in possession, or to which such documents relate, to any other person, and give such person a good title thereto, notwithstanding any instructions of the owner to the contrary: Provided that the buyer acts in good faith, and under circumstances which are not such as to raise a reasonable presumption that the person in possession of the goods or documents has no right to sell the goods.

Exception 2. If one of several joint-owners of goods has the sole possession of them by the permission of the co-owners, the ownership of the goods is transferred to any person who buys them in good faith, and under circumstances which are not such as to raise a reasonable presumption that the person in possession of the goods has no right to sell them.

Exception 3. When a person has obtained possession of goods under a contract voidable at the option of the other party thereto, the ownership of the goods is transferred to a third person who, before the contract is rescinded, buys them in good faith of the person in possession, unless the circumstances which render the contract voidable amounted to an offence committed by the seller or the person whom he represents.

In this case the original seller is entitled to compensation from the original purchaser for any loss which the seller may have sustained by being prevented from rescinding the contract.

Illustrations.

(a.) A buys from B, in good faith, a cow which B had stolen from C. The property in the cow is not transferred to A.

(b.) A, a merchant, intrusts B, his agent, with a bill of lading relating to certain goods, and instructs B not to

sell the goods for less than a certain price, and not to give credit to D. B sells the goods to D for less than that price, and gives D three months' credit. The property in the goods passes to D.

(*c*.) A sells to B goods of which he has the bill of lading, but the bill of lading is made out for delivery of the goods to C, and it has not been endorsed by C. The property is not transferred to B.

(*d*.) A, B and C are joint Hindú brothers, who own certain cattle in common. A is left by B and C in possession of a cow, which he sells to D. D purchases *bonâ fide*. The property in the cow is transferred to D.

(*e*.) A, by a misrepresentation not amounting to cheating, persuades B to sell and deliver to him a horse. A sells the horse to C before B has rescinded the contract. The property in the horse is transferred to C; and B is entitled to compensation from A for any loss which D has sustained by being prevented from getting back the horse.

(*f*.) A compels B by wrongful intimidation, or induces him by cheating or forgery, to sell him a horse, and, before B rescinds the contract, sells the horse to C. The property is not transferred to C.

WARRANTY.

Seller's responsibility for badness of title.

109. If the buyer, or any person claiming under him, is, by reason of the invalidity of the seller's title, deprived of the thing sold, the seller is responsible to the buyer, or person claiming under him, for loss thereby caused, unless a contrary intention appears by the contract.

Implied warranty of goodness or quality.

110. An implied warranty of goodness or quality may be established by the custom of any particular trade.

Warranty of soundness on sale of provisions.

111. On the sale of provisions, there is an implied warranty that they are sound.

Warranty on sale of goods by sample.

112. On the sale of goods by sample, there is an implied warranty that the bulk is equal in quality to the sample.

Warranty on sale of goods sold as being of a certain denomination.

113. Where goods are sold as being of a certain denomination, there is an implied warranty that they are such goods as are commercially known by that denomination, although the buyer may have bought them by sample, or after inspection of the bulk.

Explanation.—But if the contract specifically states that the goods, though sold as of a certain denomination, are not warranted to be of that denomination, there is no implied warranty.

Illustrations.

(*a*.) A, at Calcutta, sells to B twelve bags of "waste silk," then on its way from Moorshedabad to Calcutta. There is an implied warranty by A that the silk shall be such as is known in the market under the denomination of "waste silk."

(*b*.) A buys, by sample and after having inspected the bulk, 100 bales of "Fair Bengal" Cotton. The cotton proves not to be such as is known in the market as "Fair Bengal": there is a breach of warranty.

Warranty where goods ordered for a specified purpose.

114. Where goods have been ordered for a specified purpose, for which goods of the denomination employed in the order are usually sold, there is an implied warranty by the seller that the goods supplied are fit for that purpose.

Illustration.

B orders of A, a copper manufacturer, copper for sheathing a vessel. A, on this order, supplies copper. There is an implied warranty that the copper is fit for sheathing a vessel.

Sale of article of a well-known ascertained kind.

115. Upon the sale of an article of a well-known ascertained kind, there is no implied warranty of its fitness for any particular purpose.

Illustration.

B writes to A, the owner of a patent invention for cleaning cotton—"Send me your patent cotton-cleaning machine to clean the cotton at my factory." A sends the machine according to order. There is an implied warranty by A that it is the article known as A's patent cotton-cleaning machine, but none that it is fit for the particular purpose of cleaning the cotton at B's factory.

Non-responsibility for latent defects.

116. In the absence of fraud and of any express warranty of quality, the seller of an article, which answers the description under which it was sold, is not responsible for a latent defect in it.

Illustration.

A sells to B a horse. It turns out that the horse had at the time of the sale a defect of which A was unaware. A is not responsible for this.

Buyer's right on breach of warranty.

117. Where a specific article, sold with a warranty, has been delivered and accepted, and the warranty is broken, the sale is not thereby rendered voidable, but the buyer is entitled to compensation from the seller for loss caused by the breach of warranty.

Illustration.

A sells to B a horse, warranted sound. The horse proves to have been unsound at the time of sale. B is entitled to compensation from A for loss caused by the unsoundness.

Rejection or return of goods sold with warranty.

118. Where there has been a contract, with a warranty, for the sale of goods, which at the time of the contract were not ascertained, or not in existence, and the warranty is broken, the buyer may

accept the goods or refuse to accept the goods when tendered,

or keep the goods for a time reasonably sufficient for examining and trying them, and then refuse to accept them, provided that, during such time, he exercises no other act of ownership over them than is necessary for the purpose of examination and trial.

In any case the buyer is entitled to compensation from the seller for any loss caused by the breach of warranty; but if he accepts the goods and intends to claim compensation, he must give notice of his intention to do so within a reasonable time after discovering the breach of the warranty.

Illustrations.

(*a*.) A agrees to sell and, without application on B's part, deliver to B 200 bales of unascertained cotton by sample. Cotton, not in accordance with sample, is delivered to B. B may return it if he has not kept it longer than a reasonable time for the purpose of examination.

(*b*.) B agrees to buy of A twenty-five sacks of flour by sample. The flour is delivered to B, who pays the price. B, upon examination, finds it not equal to sample, and informs A that he means to claim compensation. B afterwards uses two sacks, and sells one. He cannot now repudiate the contract and recover the price, but he is entitled to compensation from A for any loss caused by the breach of warranty.

(*c*.) B makes two pairs of shoes for A by A's order. When the shoes are delivered, they do not fit A. A keeps both pairs for a day. He wears one pair for a short time in the house, and takes a long walk out of doors in the other pair. He may refuse to accept the first pair, but not the second. But he may recover compensation for any loss sustained by the defect of the second pair.

MISCELLANEOUS.

Refusal to accept when goods not ordered are sent.

119. When the seller sends goods not ordered with goods ordered, the buyer may refuse to accept any of the goods so sent, if there is risk or trouble in separating the goods ordered from the goods not ordered.

Illustration.

A orders of B specific articles of china. B sends these articles to A in a hamper with other articles of china which had not been ordered. A may refuse to accept any of the goods sent.

Effect of wrongful refusal to accept.

120. If a buyer wrongfully refuses to accept the goods sold to him, this amounts to a breach of the contract of sale.

Rescission on failure to pay price at time fixed.

121. When goods sold have been delivered to the buyer, the seller is not entitled to rescind the contract on the buyer's failing to pay the price at the time fixed, unless it was stipulated by the contract that he should be so entitled.

Sale of several lots by auction.

122. Where goods are sold by auction, there is a distinct and separate sale of the goods in each lot, by which the ownership thereof is transferred as each lot is knocked down.

Puffers at auction.

123. If, at a sale by auction, the seller makes use of pretended biddings to raise the price, the sale is voidable at the option of the buyer.

CHAPTER VIII.

OF INDEMNITY AND GUARANTEE.

'Indemnity' defined.

124. A contract by which one party promises to save the other from loss caused to him by the conduct of the promisor himself, or by the conduct of any other person, is called a contract of indemnity.

Illustration.

(*a.*) A contracts to indemnify B against the consequences of any proceedings which C may take against B in respect of a certain sum of 200 rupees. This is a contract of indemnity.

Rights and liabilities of indemnity-holder when sued.

125. The promisee in a contract of indemnity, acting within the scope of his authority, is entitled to recover from the promisor—

(1) all damages which he may be compelled to pay in any suit in respect of any matter to which the promise to indemnify applies;

(2) all costs which he may be compelled to pay in any such suit if, in bringing or defending it, he did not contravene the orders of the promisor and acted as it would have been prudent for him to act in the absence of any contract of indemnity, or if the promisor authorized him to bring or defend the suit;

(3) all sums which he may have paid under the terms of any compromise of any such suit if the compromise was not contrary to the orders of the promisor and was one which it would have been prudent for him to make in the absence of any contract of indemnity or if the promisor authorized him to compromise the suit.

Definitions of 'guarantee,' 'surety,' 'principal debtor,' and 'creditor.'

126. A contract of guarantee is a contract to perform the promise or discharge the liability of a third person in case of his default. The person who gives the guarantee is called the surety, the person, in respect of whose default the guarantee is given, is called the principal debtor, and the person to whom the guarantee is given is called the creditor. A guarantee may be either oral or written.

Consideration for guarantee.

127. Anything done or any promise made for the benefit of the principal debtor, may be a sufficient consideration to the surety for giving the guarantee.

Illustrations.

(*a.*) B requests A to sell and deliver to him goods on credit. A agrees to do so, provided C will guarantee the payment of the price of the goods. C promises to guarantee the payment in consideration of A's promise to deliver the goods. This is a sufficient consideration for C's promise.

(*b.*) A sells and delivers goods to B. C afterwards requests A to forbear to sue B for the debt for a year, and promises that if he does so, C will pay for them in default of payment by B. A agrees to forbear as requested. This is a sufficient consideration for C's promise.

(*c.*) A sells and delivers goods to B. C afterwards, without consideration, agrees to pay for them in default of B. The agreement is void.

Surety's liability.

128. The liability of the surety is co-extensive with that of the principal debtor, unless it is otherwise provided by the contract.

Illustration.

A guarantees to B the payment of a bill of exchange by C, the acceptor. The bill is dishonoured by C. A is liable, not only for the amount of the bill, but also for any interest and charges which may have become due on it.

Continuing guarantee.

129. A guarantee which extends to a series of transactions, is called a continuing guarantee.

Illustrations.

(*a.*) A, in consideration that B will employ C in collecting the rents of B's zamindárí, promises B to be responsible, to the amount of 5,000 rupees, for the due collection and payment by C of those rents. This is a continuing guarantee.

(*b.*) A guarantees B, a tea-dealer, to the amount of £100 for any tea he may from time to time supply to C. B supplies C with tea to above the value of £100, and C pays B for it. Afterwards B supplies C with tea to the value of £200. C fails to pay. The guarantee given by A was a continuing guarantee, and he is accordingly liable to B to the extent of £100.

(*c.*) A guarantees B the price of five sacks of flour to be delivered by B to C payable in one month. B delivers five sacks to C. A pays for them. Afterwards B delivers four sacks to C, which C does not pay for. The guarantee given by A was not a continuing guarantee, and accordingly he is not liable for the price of the four sacks.

Revocation of continuing guarantee.

130. A continuing guarantee may be at any time revoked, as to future transactions, by the surety, by notice to the creditor.

Illustrations.

(*a.*) A, in consideration of B's discounting, at A's request, bills of exchange for C, guarantees to B for twelve months the due payment of all such bills to the extent of 5,000 rupees. B discounts bills for C to the extent of 2,000 rupees Afterwards, at the end of three months, A revokes the guarantee. This revocation discharges A from all liability to B for any subsequent discount. But A is liable to B for the 2,000 rupees, on default of C.

(*b.*) A guarantees to B, to the extent of 10,000 rupees, that C shall pay all the bills that B shall draw upon him. B draws upon C. C accepts the bill. A gives notice of revocation. C dishonours the bill at maturity. A is liable upon his guarantee.

Revocation of continuing guarantee by surety's death.

131. The death of the surety operates, in the absence of any contract to the contrary, as a revocation of a continuing guarantee, so far as regards future transactions.

Liability of two persons primarily liable, not affected by a private arrangement as to suretyship.

132. Where two persons contract with a third person to undertake a certain liability, and also contract with each other that one of them shall be liable only on the default of the other, the third person not being a party to such contract, but being aware of its existence, the liability of each of the two persons to the third person under the first contract is not affected by the existence of the second contract.

Illustration.

A and B make a joint and several promissory note to C. A makes it, in fact, as surety for B, and C knows this at the time when the note is made. The fact that A, to the knowledge of C, made the note as surety for B, is no answer to a suit by C against A upon the note.

Discharge of surety by variance in terms of contract.

133. Any variance made without the surety's consent, in the terms of the contract between the principal and the creditor, discharges the surety as to transactions subsequent to the variance.

Illustrations.

(*a.*) A becomes surety to C for B's conduct as a manager in C's bank. Afterwards, B and C contract, without A's consent, that B's salary shall be raised, and that he shall become liable to one-fourth of the losses on over drafts. B allows a customer to overdraw, and the bank loses a sum of money. A is discharged from his suretyship by the variance made without his consent, and is not liable to make good this loss.

(*b.*) A guarantees C against the misconduct of B in an office to which B is appointed by C, and of which the duties are defined by an Act of the legislature. By a subsequent Act, the nature of the office is materially altered. Afterwards, B misconducts himself. A is discharged from future liability under his guarantee by the change, though the misconduct of B is in respect of a duty not affected by the later Act.

(*c.*) C agrees to appoint B as his clerk to sell goods at a yearly salary, upon A's becoming surety to C for B's duly accounting for monies received by him as such clerk. Afterwards, without A's knowledge or consent, C and B agree that B should be paid by a commission on the goods sold by him and not by a fixed salary. A is not liable for subsequent misconduct of B.

(*d.*) A gives to C a continuing guarantee to the extent of 3,000 rupees for any oil supplied by C to B on credit. Afterwards B becomes embarrassed, and, without the knowledge of A, B and C contract that C shall continue to supply B with oil for ready money, and that the payments shall be applied to the then existing debts between B and C. A is not liable on his guarantee for any goods supplied after this new arrangement.

(*e.*) C contracts to lend B 5,000 rupees on the first March. A guarantees repayment. C pays the 5,000 rupees to B on the 1st January. A is discharged from his liability as the contract has been varied, inasmuch as C might sue B for the money before the first of March.

Discharge of surety by release or discharge of principal debtor.

134. The surety is discharged by any contract between the creditor and the principal debtor, by which the principal debtor is released, or by any act or omission of the creditor, the legal consequence of which is the discharge of the principal debtor.

Illustrations.

(*a.*) A gives a guarantee to C for goods to be supplied by C to B. C supplies goods to B, and afterwards B becomes embarrassed and contracts with his creditors (including C) to assign to them his property in consideration of their releasing him from their demands. Here B is released from his debt by the contract with C, and A is discharged from his suretyship.

(*b.*) A contracts with B to grow a crop of indigo on A's land and to deliver it to B at a fixed rate, and C guarantees A's performance of this contract. B diverts a stream of water which is necessary for the irrigation of A's land, and thereby prevents him from raising the indigo. C is no longer liable on his guarantee.

(*c*). A contracts with B for a fixed price to build a house for B within a stipulated time, B supplying the necessary timber. C guarantees A's performance of the contract. B omits to supply the timber. C is discharged from his suretyship.

Discharge of surety when creditor compounds with, gives time to, or agrees not to sue principal debtor.

135. A contract between the creditor and the principal debtor, by which the creditor makes a composition with, or promises to give time to, or not to sue, the principal debtor, discharges the surety, unless the surety assents to such contract.

Agreement to give time to principal debtor made with a third person.

136. Where a contract to give time to the principal debtor is made by the creditor with a third person, and not with the principal debtor, the surety is not discharged.

Illustration.

C, the holder of an overdue bill of exchange drawn by A as surety for B, and accepted by B, contracts with M to give time to B. A is not discharged.

Creditor's forbearance to sue.

137. Mere forbearance on the part of the creditor to sue the principal debtor, or to enforce any other remedy against him, does not, in the absence of any provision in the guarantee to the contrary, discharge the surety.

Illustration.

B owes to C a debt guaranteed by A. The debt becomes payable. C does not sue B for a year after the debt has become payable. A is not discharged from his suretyship.

Release of one co-surety.

138. Where there are co-sureties, a release by the creditor of one of them does not discharge the others; neither does it free that one from any responsibility to the others.

Discharge of surety by creditor's act or omission impairing surety's eventual remedy.

139. If the creditor does any act which is inconsistent with the rights of the surety, or omits to do any act which his duty to the surety requires him to do, and the eventual remedy of the surety himself against the principal debtor is thereby impaired, the surety is discharged.

Illustrations.

(*a.*) B contracts to build a ship for C for a given sum, to be paid by instalments as the work reaches certain stages. A becomes surety to C for B's due performance of the contract. C, without the knowledge of A, prepays to B the last two instalments. A is discharged by this prepayment.

(*b.*) C lends money to B on the security of a joint and several promissory note made in C's favour by B and by A as surety for B, together with a bill of sale of B's furniture, which gives power to C to sell the furniture, and apply the proceeds in satisfaction of the monies due on the note. Subsequently C sells the furniture, but, owing to his misconduct and wilful negligence, only a small price is realized. A is discharged from liability on the note.

(c.) A puts M as apprentice to B, and gives a guarantee to B for M's fidelity. B promises on his part that he will, at least once a month, see M make up the cash. B omits to see this done as promised and M embezzles. A is not liable to B on his guarantee.

Rights of surety on payment or performance.

140. Where a guaranteed debt has become due, or default of the principal debtor to perform a guaranteed duty has taken place, the surety, upon payment or performance of all that he is liable for, is invested with all the rights which the creditor had against the principal debtor.

Surety's right to benefit of creditor's securities.

141. A surety is entitled to the benefit of every security which the creditor has against the principal debtor at the time when the contract is entered into, whether the surety knows of the existence of such security or not; and if the creditor loses, or, without the consent of the surety, parts with such security, the surety is discharged to the extent of the value of the security.

Illustrations.

(a.) C advances to B, his tenant, 2,000 rupees on the guarantee of A. C has also a further security for the 2,000 rupees by a mortgage of B's furniture. C cancels the mortgage. B becomes insolvent, and C sues A on his guarantee. A is discharged from liability to the amount of the value of the furniture.

(b.) C, a creditor, whose advance to B is secured by a decree, receives also a guarantee for that advance from A. C afterwards takes B's goods in execution under the decree, and then, without the knowledge of A, withdraws the execution. A is discharged.

(c.) A, as surety for B, makes a bond jointly with B to C to secure a loan from C to B. Afterwards, C obtains from B a further security for the same debt. Subsequently C gives up the further security. A is not discharged.

Guarantee obtained by misrepresentation.

142. Any guarantee which has been obtained by means of misrepresentation made by the creditor, or with his knowledge and assent, concerning a material part of the transaction, is invalid.

Guarantee obtained by concealment.

143. Any guarantee which the creditor has obtained by means of keeping silence as to a material circumstance, is invalid.

Illustrations.

(a.) A engages B as clerk to collect money for him. B fails to account for some of his receipts, and A in consequence calls upon him to furnish security for his duly accounting. C gives his guarantee for B's duly accounting. A does not acquaint C with B's previous conduct. B afterwards makes default. The guarantee is invalid.

(b.) A guarantees to C payment for iron to be supplied by him to B to the amount of 2,000 tons. B and C have privately agreed that B should pay five rupees per ton beyond the market price, such excess to be applied in liquidation of an old debt. This agreement is concealed from A. A is not liable as a surety.

Guarantee on agreement that creditor shall not act on it until co-surety joins.

144. Where a person gives a guarantee upon a contract that the creditor shall not act upon it until another person has joined in it as co-surety, the guarantee is not valid if that other person does not join.

Implied promise to indemnify surety.

145. In every contract of guarantee there is an implied promise by the principal debtor to indemnify the surety, and the surety is entitled to recover from the principal debtor whatever sum he has rightfully paid under the guarantee, but no sums which he has paid wrongfully.

Illustrations.

(a.) B is indebted to C, and A is surety for the debt. C demands payment from A, and on his refusal sues him for the amount. A defends the suit, having reasonable grounds for doing so, but he is compelled to pay the amount of the debt with costs. He can recover from B the amount paid by him for costs, as well as the principal debt.

(b.) C lends B a sum of money, and A, at the request of B, accepts a bill of exchange drawn by B upon A to secure the amount. C, the holder of the bill, demands payment of it from A, and on A's refusal to pay sues A upon the bill. A, not having reasonable grounds for so doing, defends the suit, and has to pay the amount of the bill and costs. He can recover from B the amount of the bill, but not the sum paid for costs, as there was no real ground for defending the action.

(c.) A guarantees to C, to the extent of 2,000 rupees, payment of rice to be supplied by C to B. C supplies to B rice to a less amount than 2,000 rupees, but obtains from A payment of the sum of 2,000 rupees in respect of the rice supplied. A cannot recover from B more than the price of the rice actually supplied.

Co-sureties liable to contribute equally.

146. Where two or more persons are co-sureties for the same debt or duty either jointly or severally, and whether under the same or different contracts, and whether with or without the knowledge of each other, the co-sureties, in the absence of any contract to the contrary, are liable as between themselves to pay each an equal share of the whole debt, or of that part of it which remains unpaid by the principal debtor.

Illustrations.

(a.) A, B and C are sureties to D for the sum of 3,000 rupees lent to E. E makes default in payment. A, B and C are liable as between themselves to pay 1,000 rupees each.

(b.) A, B and C are sureties to D for the sum of 1,000 rupees lent to E, and there is a contract between A, B and C that A is to be responsible to the extent of one-quarter, B to the extent of one-quarter, and C to the extent of one-half. E makes default in payment. As between the sureties, A is liable to pay 250 rupees, B 250 rupees, and C 500 rupees.

Liability of co-sureties bound in different sums.

147. Co-sureties who are bound in different sums are liable to pay equally as far as the limits of their respective obligations permit.

Illustrations.

(a.) A, B and C, as sureties for D, enter into three several bonds, each in a different penalty, *viz.*, A in the penalty of 10,000 rupees, B in that of 20,000 rupees, C in that of 40,000 rupees, conditioned for D's duly accounting to E. D makes default to the extent of 30,000 rupees. A, B and C are each liable to pay 10,000 rupees.

(b.) A, B and C, as sureties for D, enter into three several bonds, each in a different penalty, *viz.*, A in the penalty of 10,000 rupees, B in that of 20,000 rupees, C in that of 40,000 rupees, conditioned for D's duly accounting to E. D makes default to the extent of 40,000 rupees. A is liable to pay 10,000 rupees, and B and C 15,000 rupees each.

(c.) A, B and C, as sureties for D, enter into three several bonds, each in a different penalty, *viz.*, A in the penalty of 10,000 rupees, B in that of 20,000 rupees, C in that of 40,000 rupees, conditioned for D's duly accounting to E. D makes default to the extent of 70,000 rupees. Each has to pay the full penalty of his bond.

CHAPTER IX.

Of Bailment.

'Bailment,' 'bailor,' and 'bailee' defined.

148. A bailment is the delivery of goods by one person to another for some purpose, upon a contract that they shall when the purpose is accomplished be returned or otherwise disposed of according to the directions of the person delivering them. The person delivering

the goods is called the bailor. The person to whom they are delivered is called the bailee.

Explanation.—If a person, already in possession of the goods of another, contracts to hold them as a bailee, he thereby becomes the bailee, and the owner becomes the bailor of such goods, although they may not have been delivered by way of bailment.

Delivery to bailee how made.

149. The delivery to the bailee may be made by doing anything which has the effect of putting the goods in the possession of the intended bailee or of any person authorized to hold them on his behalf.

Bailor's duty to disclose faults in goods bailed.

150. The bailor is bound to disclose to the bailee faults in the goods bailed of which the bailor is aware and which materially interfere with the use of them, or expose the bailee to extraordinary risks; and if he does not make such disclosure, he is responsible for damage arising to the bailee directly from such faults.

If the goods are bailed for hire, the bailor is responsible for such damage, whether he was or was not aware of the existence of such faults in the goods bailed.

Illustrations.

(*a.*) A lends a horse, which he knows to be vicious, to B. He does not disclose the fact that the horse is vicious. The horse runs away. B is thrown and injured. A is responsible to B for damage sustained.

(*b.*) A hires a carriage of B. The carriage is unsafe, though B is not aware of it, and A is injured. B is responsible to A for the injury.

Care to be taken by bailee.

151. In all cases of bailment the bailee is bound to take as much care of the goods bailed to him as a man of ordinary prudence would, under similar circumstances, take of his own goods of the same bulk, quality and value as the goods bailed.

Bailee when not liable for loss, etc., of thing bailed.

152. The bailee, in the absence of any contract to the contrary, is not responsible for the loss, destruction or deterioration of the thing bailed, if he has taken the amount of care of them described in section 151.

Termination of bailment by bailee's act inconsistent with conditions.

153. A contract of bailment is voidable at the option of the bailor, if the bailee does any act with regard to the goods bailed, inconsistent with the conditions of the bailment.

Illustration.

A lets to B for hire a horse for his own riding. B drives the horse in his carriage. This is, at the option of A, a termination of the bailment.

Liability of bailee making unauthorized use of goods bailed.

154. If the bailee makes any use of the goods bailed which is not according to the conditions of the bailment, he is liable to make compensation to the bailor for any damage arising to the goods from or during such use of them.

Illustrations.

(*a.*) A lends a horse to B for his own riding only. B allows C, a member of his family, to ride the horse. C rides with care, but the horse accidentally falls and is injured, B is liable to make compensation to A for the injury done to the horse.

(*b.*) A hires a horse in Calcutta from B expressly to march to Benares. A rides with due care, but marches to Cuttack instead. The horse accidentally falls and is injured. A is liable to make compensation to B for the injury to the horse.

Mixture, with bailor's consent, of his goods with goods of bailee.

155. If the bailee, with the consent of the bailor, mixes the goods of the bailor with his own goods, the bailor and the bailee shall have an interest, in proportion to their respective shares, in the mixture thus produced.

Mixture, without bailor's consent, when the goods can be separated.

156. If the bailee, without the consent of the bailor, mixes the goods of the bailor with his own goods, and the goods can be separated or divided, the property in the goods remains in the parties respectively, but the bailee is bound to bear the expense of separation or division, and any damage arising from the mixture.

Illustration.

A bails 100 bales of cotton marked with a particular mark to B. B without A's consent mixes the 100 bales with other bales of his own bearing a different mark: A is entitled to have his 100 bales returned, and B is bound to bear all the expense incurred in the separation of bales and any other incidental damage.

Mixture, without bailor's consent, when the goods cannot be separated.

157. If the bailee, without the consent of the bailor, mixes the goods of the bailor with his own goods, in such a manner that it is impossible to separate the goods bailed from the other goods, and deliver them back, the bailor is entitled to be compensated by the bailee for the loss of the goods.

Illustration.

A bails a barrel of Cape flour worth Rs. 45 to B. B without A's consent mixes the flour with country flour of his own, worth only Rs. 25 a barrel. B must compensate A for the loss of his flour.

Re-payment by bailor of necessary expenses.

158. Where by the conditions of the bailment the goods are to be kept or to be carried, or to have work done upon them by the bailee for the bailor, and the bailee is to receive no remuneration, the bailor shall re-pay to the bailee the necessary expenses incurred by him for the purpose of the bailment.

Restoration of goods bailed gratuitously.

159. The lender of a thing for use may at any time require its return if the loan was gratuitous, even though he lent it for a specified time or purpose. But if, on the faith of such loan, the borrower has acted in such a manner that the return of the thing before the time agreed upon would cause him loss exceeding the benefit actually derived by him from the loan, the lender must, if he compels the return, indemnify the borrower for the amount in which the loss so occasioned exceeds the benefit so derived.

Return of goods bailed on expiration of time or accomplishment of purpose.

160. It is the duty of the bailee to return, or deliver according to the bailor's directions, the goods bailed, without demand, as soon as the time for which they were bailed has expired, or the purpose for which they were bailed has been accomplished.

Bailee's responsibility when goods are not duly delivered or tendered.

161. If by the fault of the bailee the goods are not returned, delivered, or tendered at the proper time, he is responsible to the bailor for any loss, destruction, or deterioration of the goods from that time.

Termination of gratuitous bailment by death.

162. A gratuitous bailment is terminated by the death either of the bailor or of the bailee.

Increase or profit from goods bailed.

163. In the absence of any contract to the contrary, the bailee is bound to deliver to the bailor, or according to his directions, any increase or profit which may have accrued from the goods bailed.

Illustration.

A leaves a cow in the custody of B to be taken care of. The cow has a calf. B is bound to deliver the calf as well as the cow to A.

Bailor's responsibility to bailee.

164. The bailor is responsible to the bailee for any loss which the bailee may sustain by reason that the bailor was not entitled to make the bailment, or to receive back the goods, or to give directions respecting them.

Bailment by several joint owners.

165. If several joint owners of goods bail them, the bailee may deliver them back to, or according to the directions of, one joint owner without the consent of all, in the absence of any agreement to the contrary.

Re-delivery to bailee who has no title.

166. If the bailor has no title to the goods, and the bailee, in good faith, delivers them back to, or according to the directions of, the bailor, the bailee is not responsible to the owner in respect of such delivery.

If the bailee delivers the goods to a person who is entitled to them as against the bailor, he is not responsible to the bailor for such delivery; but the burden of proving that such person was so entitled to them is upon the bailee.

Right of third person claiming goods bailed.

167. If a third person claims goods bailed, he may apply to the Court to stop the delivery of the goods to the bailor, and to decide the title to the goods.

Right of finder of goods.

168. The finder of goods has no right to sue the owner for compensation for trouble and expense voluntarily incurred by him to preserve the goods and to find out the owner; but he has a right to retain the goods against the owner until he receives such compensation; and where the owner has offered a specific reward for the return of goods lost, the finder has a right to sue for such reward and to retain the goods until he receives it.

May sue for the amount not to apply to salvage.

When finder of thing commonly on sale may sell it.

169. When a thing, which is commonly the subject of sale, is lost, if the owner cannot with reasonable diligence be found, or if he refuses upon demand to pay the lawful charges of the finder, the finder may sell it—

(1.) when the thing is in danger of perishing or of losing the greater part of its value, or,

(2.) when the lawful charges of the finder, in respect of the thing found, amount to two-thirds of its value.

Bailee's particular lien.

170. Where the bailee has, in accordance with the purpose of the bailment, rendered any service, involving the exercise of labour or skill, on the goods bailed, he has, in the absence of a contract to the contrary, a right to retain the goods until he receives remuneration for the services he has rendered in respect of them.

Illustrations.

(*a.*) A delivers a rough diamond to B, a jeweller, to be cut and polished, which is accordingly done. B is entitled to retain the stone till he is paid for the services he has rendered.

(*b.*) A gives cloth to B, a tailor, to make into a coat. B promises A to deliver the coat as soon as it is finished, and to give A three months' credit for the price. B is not entitled to retain the coat until he is paid.

Bankers, factors, and wharfingers have no general lien.

171. Bankers, factors, wharfingers, attorneys of a High Court and policy brokers may, in the absence of a contract to the contrary, retain as a security for a general balance of account, any goods bailed to them; but no other persons have a right to retain, as a security for such balance, goods bailed to them, unless there is an express contract to that effect.

BAILMENTS OF PLEDGES.

'Pledge,' 'pawnor,' and 'pawnee' defined.

172. The bailment of goods as security for payment of a debt or performance of a promise is called pledge. The bailor is in this case called the pawnor. The bailee is called the pawnee.

Pawnee's right of retainer.

173. The pawnee may retain the goods pledged not only for payment of the debt or the performance of the promise, but for the interest of the debt, and all necessary expenses incurred by him in respect of the possession or for the preservation of the goods pledged.

In case of subsequent advances.

174. The pawnee shall not retain the goods pledged for any other debt or promise than the debt or promise for which they are pledged, except by contract between the parties; but such contract, in the absence of anything to the contrary, shall be presumed in regard to subsequent advances made by the pawnee.

Extraordinary expenses incurred by pawnee.

175. The pawnee is entitled to receive from the pawnor extraordinary expenses incurred by him for the preservation of the goods pledged.

Pawnee's right where pawnor makes default.

176. If the pawnor makes default in payment of the debt or performance of the promise in respect of which the goods were pledged, at the stipulated time, the pawnee may bring a suit against the pawnor upon the debt or promise, and retain the goods pledged as a collateral security, or may sell the thing pledged on giving the pawnor reasonable notice of the sale.

If the proceeds of the sale are less than the amount due in respect of the debt or promise, the pawnor is still liable to pay the balance. If the proceeds of the sale are greater than the amount so due, the pawnee shall pay over the surplus to the pawnor.

Defaulting pawnor's right to redeem.

177. If a time is stipulated for the payment of the debt or performance of the promise, for which the pledge is made, and the pawnor makes default in payment of the debt or performance of the promise at the stipulated time, he may redeem the goods pledged at any time before the actual sale of them, but he must, in that case pay, in addition, any expenses which have arisen from his default.

Pledge by possessor of documentary title to goods.

178. A person who is in possession of goods, or of any bill of lading, dock-warrant, warehouse-keeper's certificate, warrant or order for delivery, or any other document of title to goods, may make a valid pledge of such goods, or documents: Provided that the pawnee acts in good faith and under circumstances which are not such as to raise a reasonable presumption that the pawnor is acting improperly:

Provided also that such goods or documents have not been obtained from their lawful owner or from any person in lawful custody of them by means of an offence or fraud.

Pledge where pledgor has only a limited interest.

179. Where a person pledges goods in which he has only a limited interest, the pledge is valid to the extent of that interest.

SUITS BY BAILEES OR BAILORS AGAINST WRONGDOERS.

Suits by bailor or bailee against wrongdoers.

180. If a third person wrongfully deprives the bailee of the use or possession of the goods bailed, or does them any injury, the bailee is entitled to use such remedies as the owner might have used in the like case if no bailment had been made, and either the bailor or the bailee may bring a suit against a third person for such deprivation or injury.

Apportionment of proceeds of such suits.

181. Whatever is obtained by way of relief or compensation in any such suit shall, as between the bailor and the bailee, be dealt with according to their respective interests.

CHAPTER X.

AGENCY.

APPOINTMENT AND AUTHORITY OF AGENTS.

'Agent' and 'principal' defined.

182. An agent is a person employed to do any act for another, or to represent another in dealings with third persons. The person for whom such act is done, or who is so represented, is called the principal.

Who may be a principal.

183. Any person who is of the age of majority according to the law to which he is subject, and who is of sound mind, may employ an agent.

Who may be an agent.

184. As between the principal and third persons, any person may become an agent; but no person who is not of the age of majority and of sound mind can become an agent, so as to be responsible to his principal according to the provisions in that behalf herein contained.

Agency created without consideration.

185. No consideration is necessary to create an agency.

Agent's authority may be expressed or implied.

186. The authority of an agent may be express or implied.

Definitions of expressed and implied authority.

187. An authority is said to be express when it is given by words spoken or written. An authority is said to be implied when it is to be inferred from the circumstances of the case; and things spoken or written, or the ordinary course of dealing may be accounted circumstances of the case.

Illustration.

A owns a shop in Serampore, living himself in Calcutta, and visiting the shop occasionally. The shop is managed by B, and he is in the habit of ordering goods from C in the name of A for the purposes of the shop, and of paying for them out of A's funds with A's knowledge. B has an implied authority from A, to order goods from C in the name of A for the purposes of the shop.

Extent of agent's authority.

188. An agent having an authority to do any act, has authority to do every lawful thing which is necessary in order to do such act.

An agent having an authority to carry on any business, has authority to do every lawful thing necessary for the purpose of or usually done in the course of conducting such business.

Illustrations.

(*a.*) A is employed by B, residing in London, to recover at Bombay a debt due to B. A may adopt any legal process necessary for the purpose of recovering the debt, and may give a valid discharge for the same.

(*b.*) A constitutes B his agent to carry on his business of a ship-builder. B may purchase timber and other materials, and hire workmen for the purpose of carrying on the business.

Agent's authority in an emergency.

189. An agent has authority in an emergency to do all such acts for the purpose of protecting his principal from loss as would be done by a person of ordinary prudence in his own case under similar circumstances.

Illustrations.

(*a.*) Agent for sale may have goods repaired.

(*b.*) A consigns provisions to B at Calcutta, with directions to send them immediately to C at Cuttack. B may sell the provisions at Calcutta if they will not bear the journey without spoiling.

SUB-AGENTS.

When agent cannot delegate.

190. An agent cannot lawfully employ another to perform acts which he has expressly or impliedly undertaken to perform personally, unless by the ordinary custom of trade a sub-agent may, or, from the nature of the agency, a sub-agent must be employed.

'Sub-agent' defined.

191. A sub-agent is a person employed by and acting under the control of the original agent in the business of the agency.

Representation of principal by sub-agent properly appointed.

192. Where a sub-agent is properly appointed, the principal is, so far as regards third persons, represented by the sub-agent, and is bound by and responsible for his acts, as if he were an agent originally appointed by the principal. The agent is responsible to the principal for the acts of the sub-agent. The sub-agent is responsible for his acts to the agent but not to the principal, except in cases of fraud or wilful wrong.

Agent's responsibility for sub-agent.

Sub-agent's responsibility.

Agent's responsibility for sub-agent appointed without authority.

193. Where an agent, without having authority to do so, has appointed a person to act as a sub-agent, the agent stands towards such person in the relation of a principal to an agent, and is responsible for his acts both to the principal and to third persons, and the principal is not represented by or responsible for the acts of the person so employed, nor is that person responsible to the principal.

Relation between principal and person to whom agency is duly delegated.

194. Where an agent, holding an express or implied authority to name another person to act for the principal in the business of the agency, has named another person accordingly, such person is not a sub-agent, but an agent of the principal for such part of the business of the agency as is entrusted to him.

Illustrations.

(*a.*) A directs B, his solicitor, to sell his estate by auction, and to employ an auctioneer for the purpose. B names C, an auctioneer, to conduct the sale. C is not a sub-agent, but is A's agent for the conduct of the sale.

(*b.*) A authorizes B, a merchant in Calcutta to recover the monies due to A from C & Co. B instructs D, a solicitor, to take legal proceedings against C & Co. for the recovery of the money. D is not a sub-agent, but is solicitor for A.

Agent's duty in naming such person.

195. In selecting such agent for his principal, an agent is bound to exercise the same amount of discretion as a man of ordinary prudence would exercise in his own case, and if he does this he will not be responsible to the principal for the acts or negligence of the agent so selected.

Illustrations.

(*a.*) A instructs B, a merchant, to buy a ship for him. B employs a ship-surveyor of good reputation to choose a ship for A. The surveyor makes the choice negligently and the ship turns out to be unseaworthy and is lost. B is not, but the surveyor is, responsible to A.

(*b.*) A consigns goods to B, a merchant, for sale. B, in due course, employs an auctioneer in good credit to sell goods of A, and allows the auctioneer to receive the proceeds of the sale. The auctioneer afterwards becomes insolvent without having accounted for the proceeds. B is not responsible to A for the proceeds.

RATIFICATION.

Effect of ratification.

196. Where acts are done by one person on behalf of another, but without his knowledge, or authority, he may elect to ratify or to disown such acts. If he ratify them, the same effects will follow as if they had been performed by his authority.

Ratification may be expressed or implied.

197. Ratification may be expressed or may be implied in the conduct of the person on whose behalf the acts are done.

Illustrations.

(*a.*) A, without authority, buys goods for B. Afterwards B sells them to C on his own account; B's conduct implies a ratification of the purchase made for him by A.

(*b.*) A, without B's authority, lends B's money to C. Afterwards B accepts interest on the money from C. B's conduct implies a ratification of the loan.

Knowledge requisite to valid ratification.

198. No valid ratification can be made by a person whose knowledge of the facts of the case is materially defective.

Effect of ratifying unauthorized act forming part of a transaction.

199. A person, ratifying any unauthorized act done on his behalf, ratifies the whole of the transaction of which such act formed a part.

Ratification of unauthorized act cannot injure third person.

200. An act done by one person on behalf of another without such other person's authority, which, if done with authority, would have the effect of subjecting a third person to damages or of terminating any right or interest of a third person, cannot by ratification be made to have such effect.

Illustrations.

(*a.*) A, an unauthorized person, requires on account of B, the owner of a chattel, the delivery of the chattel to B. This demand cannot be ratified by B, so as to make the holder liable for damages for default.

(*b.*) A holds a lease from B, terminable on three months' notice. C, an unauthorized person, gives notice of termination to A. The notice cannot be ratified by B so as to be binding on A.

REVOCATION OF AUTHORITY.

Termination of agency.

201. An agency is terminated by the principal revoking his authority or by the agent renouncing the business of the agency, or by the business of the agency being completed, or by either the principal or agent dying or becoming of unsound mind: or by the principal being adjudicated an insolvent under the provisions of any Act for the time being in force for the relief of insolvent debtors.

Where agency is coupled with an interest.

202. Where the agent has himself an interest in the property which forms the subject-matter of the agency, the agency cannot, in the absence of an express contract, be terminated to the prejudice of such interest.

Illustrations.

(*a.*) A gives authority to B to sell A's land, and to pay himself out of the proceeds the debts due to him from A. A cannot revoke this authority, nor can it be terminated by his insanity or death.

(*b.*) A consigns 1,000 bales of cotton to B, who has made advances to him on such cotton, and desires B to sell the cotton, and to repay out of the price the amount of his own advances. A cannot revoke this authority, nor is it terminated by his insanity or death.

Revocation of agent's authority.

203. The principal may, save as is otherwise provided by the last preceding section, revoke the authority given to his agent at any time before the authority has been exercised so as to bind the principal.

Revocation where authority has been partly exercised.

204. The principal cannot revoke the authority given to his agent after the authority has been partly exercised, so far as regards such acts and obligations as arise from acts already done in the agency.

Illustrations.

(*a.*) A authorizes B to buy 1,000 bales of cotton on account of A, and to pay for it out of A's monies remaining in his hands. B buys 1,000 bales of cotton in his own name, so as to make himself personally liable for the price. A cannot revoke B's authority so far as regards payment for the cotton.

(*b.*) A authorizes B to buy 1,000 bales of cotton on account of A, and to pay for it out of A's monies remaining in B's hands. B buys 1,000 bales of cotton in A's name, and so as not to render himself personally liable for the price. A can revoke B's authority to pay for the cotton.

Compensation for revocation or renunciation.

205. Where there is an express or implied contract that the agency should be continued for any period of time, the principal must make compensation to the agent, or the agent to the principal, as the case may be, for any previous revocation or renunciation of the agency without sufficient cause.

206. Reasonable notice must be given of such revocation or renunciation, or the damage thereby resulting to the principal or the agent, as the case may be, must be made good to him by the other.

Notice of revocation or renunciation.

207. Revocation and renunciation may be expressed or may be implied in the conduct of the principal or agent respectively.

Revocation and renunciation may be expressed or implied.

Illustration.

A empowers B to let A's house. Afterwards A lets it himself. This is an implied revocation of B's authority.

208. The termination of the authority of an agent does not, so far as regards the agent, take effect before it becomes known to him, or, so far as regards third persons, before it becomes known to them.

When termination of agent's authority takes effect.

Illustrations.

(*a.*) A directs B to sell goods for him, and agrees to give B five per cent. commission on the price fetched by the goods. A afterwards by letter revokes his authority. B, after the letter is sent, but before he receives it, sells the goods for 100 rupees. The sale is binding on A, and B is entitled to five rupees as his commission.

(*b.*) A, at Madras, by letter directs B to sell some cotton lying in a warehouse in Bombay for him, and afterwards by letter revokes his authority to sell, and directs B to send the cotton to Madras. B, after receiving the second letter, enters into a contract with C, who knows of the first letter, but not of the second, for the sale to him of the cotton. C pays B the money, with which B absconds. C's payment is good as against A.

(*c.*) A directs B, his agent, to pay certain money to C. A dies and D takes out probate to his will. B, after A's death, but before hearing of it, pays the money to C. The payment is good as against D, the executor.

209. When an agency is terminated by the principal dying or becoming of unsound mind, the agent is bound to take all reasonable steps for the protection and preservation of the interests entrusted to him on behalf of the representatives of his late principal.

Agent's duty on termination of agency by principal's death or insanity.

210. The termination of the authority of an agent causes the termination of the authority of all sub-agents appointed by him, subject to the rules herein contained regarding the termination of an agent's authority.

Termination of sub-agent's authority.

AGENT'S DUTY TO PRINCIPAL.

211. An agent is bound to conduct the business of his principal according to the directions given by the principal, or, in the absence of any such directions, according to the custom which prevails in doing business of the same kind at the place where the agent conducts such business. When the agent acts otherwise, if any loss be sustained, he must make it good to his principal, and if any profit accrues he must account for it.

Agent's duty in conducting principal's business.

Illustrations.

(*a.*) A, an agent engaged in carrying on for B a business in which it is the custom to invest from time to time at interest the monies which may be in hand, omits to make such investment. A must make good to the principal the interest usually obtained by such investments.

(*b.*) B, a broker, in whose business it is not the custom to sell on credit, sells goods of A on credit to C, whose credit at the time was very high. C, before payment, becomes insolvent. B must make good the loss to A.

212. An agent is bound to conduct the business of the agency with as much skill as is generally possessed by persons engaged in similar business, unless the principal has notice of his want of skill. The agent is always bound to act with reasonable diligence, and to use such skill as he possesses; and to make compensation to his principal in respect of the direct consequences of his own neglect, want of skill, or misconduct, but not in respect of loss or damage which are indirectly or remotely caused by such neglect, want of skill, or misconduct.

Skill and diligence required from agent.

Illustrations.

(*a.*) A, a merchant in Calcutta, has an agent B in London, to whom a large sum of money is paid on A's account, with orders to remit. B retains the money for a considerable time. A in consequence of not receiving the money, becomes insolvent. B is liable for the money and interest from the day on which it ought to have been paid, according to the usual rate, and for any further direct loss as, *e. g.*, by variation of rate of exchange, but not further.

(*b.*) A, an agent for the sale of goods, having authority to sell on credit, sells to B, on credit, without making the proper and usual enquiries as to the solvency of B. B, at the time of such sale, is insolvent. A must make compensation to his principal in respect of any loss thereby sustained.

(*c.*) A, an insurance broker employed by B to effect an insurance on a ship, omits to see that the usual clauses are inserted in the policy. The ship is afterwards lost. In consequence of the omission of the clauses nothing can be recovered from the underwriters. A is bound to make good the loss to B.

(*d.*) A, a merchant in England, directs B, his agent at Bombay, who accepts the agency, to send him 100 bales of cotton by a certain ship. B, having it in his power to send the cotton, omits to do so. The ship arrives safely in England. Soon after her arrival the price of cotton rises. B is bound to make good to A the profit which he might have made by the 100 bales of cotton at the time the ship arrived, but not any profit he might have made by the subsequent rise.

213. An agent is bound to render proper accounts to his principal on demand.

Agent's accounts.

214. It is the duty of an agent in cases of difficulty to use all reasonable diligence in communicating with his principal, and in seeking to obtain his instructions.

Agent's duty to communicate with principal.

215. If an agent deals on his own account in the business of the agency without first obtaining the consent of the principal, and acquainting him with all material circumstances which have come to his own knowledge on the subject, the principal may repudiate the transaction if the case show either that any material fact has been dishonestly concealed from him by the agent, or that the dealings of the agent have been disadvantageous to him.

Agent dealing on his own account in business of agency without principal's consent.

Illustrations.

(*a.*) A directs B to sell A's estate. B buys the estate for himself in the name of C. A, on discovering that B has bought the estate for himself, may repudiate the sale if he can show that B has dishonestly concealed any material fact or that the sale has been disadvantageous to him.

(*b.*) A directs B to sell A's estate. B on looking at the estate before selling it, finds a mine on the estate which is unknown to A. B informs A that he wishes to buy the estate for himself, but conceals the discovery of the mine.

A allows B to buy, in ignorance of the existence of the mine. A, on discovering that B knew of the mine at the time he bought the estate, may either repudiate or adopt the sale at his option.

Principal's right to benefit gained by agent dealing on his own account in business of agency.

216. If an agent without the knowledge of his principal deals in the business of the agency on his own account instead of on account of his principal, the principal is entitled to claim from the agent any benefit which may have resulted to him from the transaction.

Illustration

A directs B, his agent, to buy a certain house for him. B tells A it cannot be bought, and buys the house for himself A may, on discovering that B has bought the house, compel him to sell it to A at the price he gave for it.

Agent's right of retainer out of sums received on principal's account.

217. An agent may retain, out of any sums received on account of the principal in the business of the agency, all monies due to himself in respect of advances made or expenses properly incurred by him in conducting such business, and also such remuneration as may be payable to him for acting as agent.

Agent's duty to pay sums received for principal.

218. Subject to such deductions, the agent is bound to pay to his principal all sums received on his account.

When agent's remuneration becomes due.

219. In the absence of any contract to the contrary, payment for the performance of any act is not due to the agent until the completion of such act; but an agent may detain moneys received by him on account of goods sold, although the whole of the goods consigned to him for sale may not have been sold, or although the sale may not be actually complete.

Misconduct disentitles agent to remuneration.

220. An agent who is guilty of misconduct in the business of the agency, is not entitled to any remuneration in respect of that part of the business which has been so misconducted.

Illustrations.

(*a.*) A employs B to recover 1,00,000 rupees from C and lay it out on good security B recovers the 1,00,000 rupees and lays out 90,000 rupees on good security, but lays out 10,000 rupees on security, which he ought to have known to be bad, whereby A loses 2,000 rupees. B is entitled to remuneration for recovering the 1,00,000 rupees and for investing the 90,000 rupees. He is not entitled to any remuneration for investing the 10,000 rupees, and he must make good the 2,000 rupees to B.

(*b.*) A employs B to recover 1,000 rupees from C. Through B's misconduct the money is not recovered. B is entitled to no remuneration for his services, and must make good the loss.

Agent's lien on principal's goods and papers.

221. In the absence of any contract to the contrary, an agent is entitled to retain goods, papers, and other property, whether moveable or immoveable, of the principal received by him, until the amount due to himself for commission, disbursements, and services in respect of the same has been paid or accounted for to him.

PRINCIPAL'S DUTY TO AGENT.

Agent's indemnity against consequences of lawful acts

222. The employer of an agent is bound to indemnify him against the consequences of all lawful acts done by him in exercise of the authority conferred upon him.

Illustrations.

(*a.*) B, at Singapore, under instructions from A of Calcutta, contracts with C to deliver certain goods to him. A does not send the goods to B, and C sues B for breach of contract. B informs A of the suit, and A authorizes him to defend the suit. B defends the suit, and is compelled to pay damages and costs, and incurs expenses. A is liable to B for such damages, costs, and expenses.

(*b.*) B, a broker at Calcutta, by the orders of A, a merchant there, contracts with C for the purchase of 10 casks of oil for A. Afterwards A refuses to receive the oil, and C sues B. B informs A, who repudiates the contract altogether. B defends, but unsuccessfully, and has to pay damages and costs and incurs expenses. A is liable to B for such damages, costs, and expenses.

Agent's indemnity against consequences of acts done in good faith.

223. Where one person employs another to do an act, and the agent does the act in good faith, the employer is liable to indemnify the agent against the consequences of that act, though it cause an injury to the rights of third persons.

Illustrations.

(*a*). A, a decree-holder and entitled to execution of B's goods, requires the officer of the Court to seize certain goods representing them to be the goods of B. The officer seizes the goods, and is sued by C, the true owner of the goods. A is liable to indemnify the officer for the sum he is compelled to pay to C, in consequence of obeying A's directions.

(*b.*) B, at request of A sells goods in the possession of A, but which A had no right to dispose of. B does not know this, and hands over the proceeds of the sale to A. Afterwards C, the true owner of the goods, sues B and recovers the value of the goods and costs. A is liable to indemnify B for what he has been compelled to pay to C, and for B's own expenses.

Non-liability of employer of agent to do a criminal act.

224. Where one person employs another to do an act which is criminal, the employer is not liable to the agent, either upon an express or an implied promise, to indemnify him against the consequences of that act.

Illustrations.

(*a.*) A employs B to beat C, and agrees to indemnify him against all consequences of the act. B thereupon beats C, and has to pay damages to C for so doing. A is not liable to indemnify B for those damages.

(*b.*) B, the proprietor of a newspaper, publishes, at A's request, a libel upon C in the paper, and A agrees to indemnify B against the consequences of the publication, and all costs and damages of any action in respect thereof. B is sued by C and has to pay damages, and also incurs expenses A is not liable to B upon the indemnity.

Compensation to agent for injury caused by principal's neglect.

225. The principal must make compensation to his agent in respect of injury caused to such agent by the principal's neglect or want of skill.

Illustration.

A employs B as a bricklayer in building a house, and puts up the scaffolding himself. The scaffolding is unskilfully put up, and B is in consequence hurt. A must make a compensation to B.

EFFECT OF AGENCY ON CONTRACTS WITH THIRD PERSONS.

Enforcement and consequences of agent's contracts.

226. Contracts entered into through an agent and obligations arising from acts done by an agent, may be enforced in the same manner, and will have the same legal consequences as if the contracts had been entered into and the acts done by the principal in person.

Illustrations.

(*a.*) A buys goods from B, knowing that he is an agent for their sale, but not knowing who is the principal. B's principal is the person entitled to claim from A the price of the goods, and A cannot, in a suit by the principal, set-off against that claim a debt due to himself from B.

(*b.*) A being B's agent with authority to receive money on his behalf, receives from C a sum of money due to B. C is discharged of his obligation to pay the sum in question to B.

Principal how far bound when agent exceeds authority.

227. When an agent does more than he is authorized to do, and when the part of what he does which is within his authority can be separated from the part which is beyond his authority, so much only of what he does as is within his authority is binding as between him and his principal.

Illustration.

A, being owner of a ship and cargo, authorizes B to procure an insurance for 4,000 rupees on the ship. B procures a policy for 4,000 rupees on the ship, and another for the like sum on the cargo. A is bound to pay the premium for the policy on the ship, but not the premium for the policy on the cargo.

When excess of agent's authority is not separable.

228. Where an agent does more than he is authorized to do, and what he does beyond the scope of his authority cannot be separated from what is within it, the principal is not bound to recognize the transaction.

Illustration.

A authorizes B to buy 500 sheep for him. B buys 500 sheep and 200 lambs for one sum of 6,000 rupees. A may repudiate the whole transaction.

Consequences of notice given to agent.

229. Any notice given to or information obtained by the agent, provided it be given or obtained in the course of the business transacted by him for the principal, shall, as between the principal and third parties, have the same legal consequence as if it had been given to or obtained by the principal.

Illustrations.

(*a.*) A is employed by B to buy from C certain goods of which C is the apparent owner, and buys them accordingly. In the course of the treaty for the sale A learns that the goods really belonged to D, but B is ignorant of that fact. B is not entitled to set-off a debt owing to him from C against the price of the goods.

(*b.*) A is employed by B to buy from C goods of which C is the apparent owner. A was, before he was so employed, a servant of C, and then learnt that the goods really belonged to D, but B is ignorant of that fact In spite of the knowledge of his agent, B may set-off against the price of the goods a debt owing to him from C.

Agent cannot personally enforce nor be bound by contracts on behalf of principal

Implication of contract to contrary.

230. In the absence of any contract to the contrary, an agent cannot personally enforce contracts entered into by him on behalf of his principal, nor is he personally bound by them.

Such a contract shall be presumed to exist in the following cases :—

(1.) Where the contract is made by an agent for the sale or purchase of goods for a merchant resident abroad.

(2.) Where the agent does not disclose the name of his principal.

(3.) Where the principal, though disclosed, cannot be sued.

Rights of parties to a contract made by agent not disclosed.

231. If an agent makes a contract with a person who neither knows, nor has reason to suspect, that he is an agent, his principal may require the performance of the contract, but the other contracting party has the same rights as against the principal as he would have had as against the agent if the agent had been principal.

If the principal discloses himself before the contract is completed, the other contracting party may refuse to fulfil the contract, if he can show that, if he had known who was the principal in the contract, or if he had known that the agent was not a principal, he would not have entered into the contract.

Performance of contract with agent supposed to be principal

232. Where one man makes a contract with another, neither knowing nor having reasonable ground to suspect that the other is an agent, the principal, if he requires the performance of the engagement, can only obtain it, subject to the rights and obligations subsisting between the agent and the other party to the contract.

Illustration.

A, who owes 500 rupees to B, sells 1,000 rupees' worth of rice to B. A is acting as agent for C in the transaction, but B has no knowledge nor reasonable ground of suspicion that such is the case. C cannot compel B to take the rice without allowing him to set-off A's debt.

Principal's liability where agent personally liable.

233. In cases where the agent is personally liable, a person dealing with him may hold either him or his principal, or both of them, liable.

Illustration.

A enters into a contract with B to sell him 100 bales of cotton, and afterwards discovers that B was acting as agent for C. A may sue either B or C, or both, for the price of the cotton.

Consequence of inducing agent or principal to act on belief that principal or agent will be held exclusively liable.

234. When a person who has made a contract with an agent induces the agent to act upon the belief that the principal only will be held liable, or induces the principal to act upon the belief that the agent only will be held liable, he cannot afterwards hold liable the agent or principal respectively.

Liability of pretended agent.

235. A person untruly representing himself to be the authorized agent of another, and thereby inducing a third person to deal with him as such agent, is liable, if his supposed employer does not ratify his acts, to make compensation to the other in respect of any loss or damage which he has incurred by so dealing.

Person falsely contracting as agent, not entitled to performance.

236. A person, with whom a contract has been entered into in the character of agent, is not entitled to require the performance of it, if he was in reality acting not as agent but on his own account

Liability of principal inducing belief that agent's unauthorized acts were authorized.

237. When an agent has without authority done acts or incurred obligations to third persons on behalf of his principal, the principal is bound by such acts or obligations if he had by his words or conduct induced such persons to believe that such acts and obligations were within the scope of the agent's authority.

Illustrations.

(*a.*) A consigns goods to B for sale, and gives him instructions not to sell under a fixed price. C, being ignorant of B's instructions, enters into a contract with B to buy the goods at a price lower than the reserved price. A is bound by the contract

(*b.*) A entrusts B with negotiable instruments endorsed in blank. B sells them to C in violation of private orders from A. The sale is good.

Effect on agreement of misrepresentation or fraud by agent.

238. Misrepresentations made, or frauds committed, by agents acting in the course of their business for their principals, have the same effect on agreements made by such agents as if they had been made or committed by the principals; but misrepresentations made, and frauds committed, by agents, in matters, which do not fall within their authority, do not affect their principals.

Illustrations.

(*a*). A, being B's agent for the sale of goods, induces C to buy them by a misrepresentation which he was not authorized to make by B. The contract is voidable as between B and C at the option of C.

(*b*). A, the Captain of B's ship, signs bills of lading without having received on board the goods mentioned therein. The bills of lading are void as between B and the pretended consignor.

CHAPTER IX.

OF PARTNERSHIP.

'Partnership' defined.

239. Partnership is the relation which subsists between persons who have agreed to combine their property, labour, or skill in some business, and to share the profits thereof between them.

'Firm' defined.

Persons who have entered into partnership with one another are called collectively a firm.

Illustrations.

(*a.*) A and B buy 100 bales of cotton, which they agree to sell for their joint account; A and B are partners in respect of such cotton.

(*b.*) A and B buy 100 bales of cotton, agreeing to share it between them. A and B are not partners.

(*c.*) A agrees with B, a goldsmith, to buy and furnish gold to B to be worked up by him and sold, and that they shall share in the resulting profit or loss. A and B are partners.

(*d.*) A and B agree to work together as carpenters, but that A shall receive all profits, and shall pay wages to B. A and B are not partners.

(*e.*) A and B are joint owners of a ship. This circumstance does not make them partners.

Lender not a partner by advancing money for share of profits.

240. A loan to a person engaged or about to engage in any trade or undertaking upon a contract with such person that the lender shall receive interest at a rate varying with the profits, or that he shall receive a share of the profits, does not, of itself, constitute the lender a partner or render him responsible as such.

Property left in business by retiring partner or deceased partner's representative.

241. In the absence of any contract to the contrary, property left by a retiring partner or the representative of a deceased partner to be used in the business, is to be considered a loan within the meaning of the last preceding section.

Contract for servant's remuneration by share of profits.

242. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein nor give him the rights of a partner.

Annuity out of profits to widow or child of deceased partner.

243. No person being a widow or child of a deceased partner of a trader, and receiving by way of annuity a proportion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of such trader, or be subject to any liabilities incurred by him.

Portion of profits received for sale of goodwill.

244. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of the person carrying on such business, or be subject to his liabilities.

Responsibility of person leading another to believe him a partner.

245. A person who has, by words spoken or written, or by his conduct, led another to believe that he is a partner in a particular firm is responsible to him as a partner in such firm.

Liability of person permitting himself to be represented as a partner.

246. Any one consenting to allow himself to be represented as a partner is liable as such to third persons who, on the faith thereof, give credit to the partnership.

Minor partner

247. A person who is under the age of majority, according to the laws to which he is subject, may be admitted to the benefits of partnership, but cannot be made personally liable for any obligation of the firm; but the share of such minor in the property of the firm is liable for the obligations of the firm.

Liability of minor partner on attaining majority.

248. A person who has been admitted to the benefits of partnership under the age of majority, becomes, on attaining that age, liable for all obligations incurred by the partnership since he was so admitted, unless he gives public notice within a reasonable time of his repudiation of the partnership.

Partner's liability for debts of partnership.

249. Every partner is liable for all debts and obligations incurred in the usual course of business by or on behalf of the partnership while he is a partner; but a person who is admitted as a partner into an existing firm does not thereby become liable to the creditors of such firm for any thing done before he became a partner.

Partner's liability to third person for neglect or fraud of co-partner.

250. Every partner is liable to make compensation to third persons in respect of loss or damage arising from the neglect or fraud of any partner in the management of the business of the firm.

Partner's power to bind co-partners.

251. Each partner who does any act necessary for or usually done in carrying on the business of such a partnership as that of which he is a member, binds his co-partners to the same

extent as if he were their agent duly appointed for that purpose.

Exception.—If it has been agreed between the partners that any restriction shall be placed upon the power of any one of them, no act done in contravention of such agreement shall bind the firm with respect to persons having notice of such agreement.

Illustrations.

(*a.*) A, and B trade in partnership—A residing in England and B in India. A draws a bill to exchange in the name of the firm. B has no notice of the bill, nor is he at all interested in the transaction. The firm is liable on the bill, provided the holder did not know of the fraud.

(*b.*) A, being one of a firm of solicitors and attorneys draws a bill of exchange in the name of the firm without authority. The other partners are not liable on the bill.

(*c.*) A and B carry on business in partnership as bankers. a sum of money is received by A on behalf of the firm. A does not inform B of such payment, and afterwards A appropriates the money to his own use. The partnership is liable to make good the money.

(*d.*) A and B are partners. A, with the intention of cheating B, goes to a shop and purchases articles on behalf of the firm such as might be used in the ordinary course of the partnership business, and converts them to his own separate use, there being no collusion between him and the seller. The firm is liable for the price of the goods.

Annulment of contract defining partners' rights and obligations.

252. Where partners have by contract regulated and defined as between themselves their rights and obligations; such contract can be annulled or altered only by consent of all of them, which consent must either be expressed or be implied from a uniform course of dealing.

Illustration.

A, B and C intending to enter into partnership, execute written articles of agreement, by which it is stipulated that the net profits arising from the partnership business shall be equally divided between them. Afterwards they carry on the partnership business for many years, A, receiving one-half of the net profits, and the other half being divided equally between B and C. All parties know of and acquiesce in this arrangement. This course of dealing supersedes the provision in the articles as to the division of profits.

General rule determining partner's mutual relations.

253. In the absence of any contract to the contrary, the relations of the partners to each other are determined by the following rules:—

(1.) All partners are joint owners of all property originally brought into the partnership stock, or bought with money belonging to the partnership, or acquired for purposes of the partnership business. All such property is called partnership property. The share of each partner in the partnership property is the value of his original contribution, increased or diminished by his share of profit or loss.

(2.) All partners are entitled to share equally in the profits of the partnership business, and must contribute equally towards the losses sustained by the partnership.

(3.) Each partner has a right to take part in the management of the partnership business.

(4.) Each partner is bound to attend diligently to the business of the partnership, and is not entitled to any remuneration for acting in such business.

(5.) When differences arise as to ordinary matters connected with the partnership business, the decision shall be according to the majority of the partners; but no change in the nature of the business of the partnership can be made, except with the consent of all the partners.

(6.) No person can introduce a new partner into a firm without the consent of all the partners.

(7.) If from any cause whatsoever, any member of a partnership ceases to be so, the partnership is dissolved as between all the other members.

(8.) Unless the partnership has been entered into for a fixed term, any partner may retire from it at any time.

(9.) Where a partnership has been entered into for a fixed term, no partner can during such term retire, except with the consent of all the partners, nor can he be expelled by his partners for any cause whatever, except by order of Court.

(10.) Partnerships, whether entered into for a fixed term or not, are dissolved by the death of any partner.

When Court may dissolve partnership.

254. At the suit of a partner the Court may dissolve the partnership in the following cases:—

(1.) When a partner becomes of unsound mind.

(2.) When a partner other than the person suing has been adjudicated an insolvent under any law relating to insolvent debtors.

(3.) When a partner other than the person suing has done any act by which the whole interest of such partner is legally transferred to a third person.

(4.) When any partner becomes incapable of performing his part of the partnership contract.

(5.) When a partner other than the person suing is guilty of gross misconduct in the affairs of the partnership or towards his partners.

(6.) When the business can only be carried on at a loss.

Dissolution of partnership by prohibition of business.

255. A partnership is in all cases dissolved by its business being prohibited by law.

Application of original terms to partnership continued under them.

256. If a partnership entered into for a fixed term be continued after such term has expired, the rights and obligations of the partners will, in the absence of any agreement to the contrary, remain the same as they were at the expiration of the term, so far as such rights and obligations can be applied to a partnership dissolvable at the will of any partner.

General duties of partners.

257. Partners are bound to carry on the business of the partnership for the greatest common advantage, to be just and faithful to each other, and to render true accounts and full information of all things affecting the partnership to any partner or his legal representatives.

Benefit derived from transaction affecting partnership.

258. A partner must account to the firm for any benefit derived from a transaction affecting the partnership.

Illustrations.

(*a*.) A, B and C are partners in trade. C, without the knowledge of A and B, obtains for his own sole benefit a lease of the house in which the partnership business is carried on. A and B are entitled to participate, if they please, in the benefit of the lease.

(*b*.) A, B and C carry on business together in partnership as merchants, trading between Bombay and London. D, a merchant in London, to whom they make their consignments, secretly allows C a share of the commission which he receives upon such consignments, in consideration of C's using his influence to obtain the consignments for him. C is liable to account to the firm for the money so received by him.

Profits made in competing business.

259. If a partner, without the knowledge and consent of the other partners, carries on any business competing or interfering with that of the firm, he must account to the firm for all profits made in such business, and must make compensation to the firm for any loss occasioned thereby.

Liability of incoming partner.

260. Every person introduced as a partner into a pre-existing firm, is subject to all the obligations incurred by the firm before he was introduced.

Revocation of continuing guarantee by change in firm.

261. A continuing guarantee, given either to a firm or to a third person, in respect of the transactions of a firm, is, in the absence of agreement to the contrary, revoked as to future transactions by any change in the constitution of the firm, to which, or in respect of the transactions of which, such guarantee was given.

Non-liability of deceased partner's estate for subsequent obligations.

262. The estate of a partner who has died is not liable in respect of any obligation incurred by the firm after his death in the absence of agreement to the contrary.

Payment of partnership-debts, and of separate debts.

263. Where there are joint debts due from the partnership, and also separate debts due from any partner, the partnership property must be applied in the first instance in payment of the debts of the firm, and if there is any surplus, then the share of each partner must be paid to him or applied in payment of his separate debts. The separate property of any partner must be applied first in the payment of his separate debts, and the surplus (if any) in the payment of the debts of the firm.

Continuance of partners' rights and obligations after dissolution.

264. After a dissolution of partnership, the rights and obligations of the partners continue in all things necessary for winding-up the business of the partnership.

Notice of dissolution.

265. Persons dealing with a firm will not be affected by a dissolution of which no public notice has been given, unless they had themselves notice of such dissolution.

Winding-up by Court after termination of partnership.

266. In the absence of any contract to the contrary, after the termination of a partnership, each partner or his representatives may apply to the Court to wind up the business of the firm, to provide for the payment of its debts, and to distribute the surplus according to the shares of the partners respectively.

Explanation.—The Court in this section means a Court not inferior to the Court of a District Judge within the local limits of whose jurisdiction the place or principal place of business of the firm is situated.

Limited-liability partnerships, incorporated partnerships, and joint-stock companies.

267. Extraordinary partnerships, such as partnerships with limited liability, incorporated partnerships, and joint-stock companies, shall be regulated by the law now in force in India relating thereto, until further provision shall be made in that behalf.

SCHEDULE.

ENACTMENTS REPEALED.

Statutes.

No. and year of Statute Act.	TITLE.	Extent of repeal.
Stat. 29 Car. 2, cap. 3.	An Act for prevention of Frauds and Perjuries.	Sections 1, 2, 3, 4 and 17.
Stat. 11 & 12 Vic., cap. 21.	To consolidate and amend the law relating to insolvent debtors in India.	Section 42.

No. and year of Act.	TITLE.	Extent of repeal.
Act XIII of 1840.	An Act for the amendment of the law regarding factors by extending to the territories of the East India Company, in cases governed by the English law, the provisions of the Stat. 4 Geo. iv, c. 83, as altered and amended by the Stat. 6 Geo. iv, c. 94.	The whole.
Act XIV of 1840.	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements by extending to the territories of the East India Company, in cases governed by English law, the provisions of Stat. 9 Geo. iv, cap. 14.	The whole, except section 4.
Act XXI of 1848.	An Act for avoiding Wagers...	—
Act V of 1866	An Act to provide a summary procedure on bills of exchange, and to amend in certain respects the commercial law of British India.	Section 10.
Act XV of 1866.	An Act to amend the law of Partnership in India.	The whole.

BOMBAY ACT.

No. and year of Act.	TITLE.	Extent of repeal.
Act III of 1865.	An Act to amend Act XXI of 1848 (for avoiding wagers).	The whole.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations to which the Bill for regulating the procedure of the Courts of Criminal Judicature not established by Royal Charter was referred have, in addition to the papers enumerated in our preliminary report of the 30th January last, considered the papers marginally noted, and beg to make the following recommendations:—

From Chief Secretary to Government, Fort Saint George, No. 282, dated 27th February 1866, and enclosures.

From Acting Secretary to Government, Bombay, No. 3263, dated 15th October 1866, and enclosures.

From Secretary to Government, North-Western Provinces, No. 884A, dated 4th December 1865.

From Secretary to Government, Panjáb, No. 80, dated 26th January 1866.

From Secretary to Government, Home Department, to Secretary to Government of Bengal, No. 199, dated 10th January 1867.

Endorsement, Home Department, No. 156J, dated 30th January 1872, forwarding letter from Secretary to Government of Bengal, No. 357, dated 17th January 1872, and enclosures.

From Solicitor to Government (Bengal), No. 104, dated 29th January 1872, forwarding opinion of the Advocate General, dated 27th January 1872.

Office Memo., Home Department, No. 231J, dated 3rd February 1872, forwarding letter from Junior Secretary to Government, Bengal, No. 434, dated 20th January 1872, and letter from Officiating Secretary to Chief Commissioner, Oudh, No. 333, dated 20th January 1872, and enclosures.

Endorsement, Home Department, No. 226J, dated 3rd February 1872, forwarding letter from Secretary to Chief Commissioner, British Burma, No. 161-4-9, dated 9th October 1871, and enclosures.

Telegram from Registrar, High Court, Bombay, dated 6th February 1872.
" " " " Madras, dated 6th " "
" " " Chief Court, Panjab, dated 6th " "

Office Memo., Financial Department, No. 1030, dated 8th February 1872, forwarding Office Memo., Home Department, No. 113, dated 23rd January 1872, and enclosures.

Petition from certain Members of the Bombay Association, dated 5th February 1872.

Endorsement, Home Department, No. 113P, dated 9th February 1872, forwarding Office Memo., Foreign Department, No. 13J, dated 24th January 1872 and enclosures.

From Registrar, High Court, Calcutta, No. 122, dated 10th February 1872.

From Private Secretary to His Honour the Lieutenant Governor of Bengal, dated 1st March 1872.

Petition from British Indian Association, dated 29th February 1872.

From Secretary to Government, Madras, No. 25, dated 19th February 1872, and enclosures.

From Assistant Registrar, High Court, Bombay, No. 276, dated 28th February 1872, and enclosures.

Endorsement, Home Department, No. 428, dated 7th March 1872, forwarding letter from Officiating 1st Assistant Resident, Haidarábád, No. 11, dated 12th February 1872.

Letter from Secretary to Chief Commissioner, Central Provinces, No. 33P, dated 15th February 1872, and enclosures.

From Secretary to Government, Bombay, No. 970, dated 29th February 1872, forwarding Minute by Mr. Justice Gibbs, dated 20th April 1866.

Notes by Robert Hill Pinhey, Esq., dated 16th September 1871.

Note by R. West, Esq.

Correspondence of Judicial Officers of Bombay, with notes, memoranda, &c.

From Secretary to Government, Bombay, No. 1016, dated 4th March 1872, and enclosure.

Endorsement, Home Department, No. 464, dated 9th March 1872, forwarding letter from Officiating Secretary to Government, Bengal, No. 992, dated 9th February 1872, and enclosures.

Endorsement, Home Department, No. 481J, dated 12th March 1872, forwarding letter from Officiating Secretary to Government, North-Western Provinces, No. 307A, dated 27th February 1872, and enclosures.

Endorsement, Home Department, No. 480J, dated 12th March 1872, forwarding letter from Officiating Secretary to Government, Panjáb and its Dependencies, No. 426, dated 12th February 1872, and enclosures.

Office Memo., Foreign Department, No. 519 G, dated 13th March 1872.

Endorsement, Home Department, No. 545 J, dated 18th March 1872, forwarding letter from Commissioner of the Dacca Division, No. 138T, dated 8th February 1872, and enclosures.

Memo. by His Honour the Lieutenant Governor of Bengal, dated 19th March 1872.

Notes by His Honour the Lieutenant-Governor of Bengal and by the Hon'ble F. S. Chapman, dated 21st March 1872.

2. With regard to European British subjects, we have, except in one particular, maintained the arrangements proposed in the first resolution of our preliminary report. We recommend (*a*) that a Magistrate of the first class, who is a European British subject and a Justice of the Peace, shall have power to try European British subjects for offences of the class usually tried by Magistrates, and, on conviction, to pass any sentence warranted by law, not exceeding three months' imprisonment and one thousand rupees fine.

(*b*.) That a Sessions Judge, who is a European British subject, may try European British subjects for offences which are not punishable with death or transportation for life, and which can, in his opinion, be adequately punished with a sentence of one year's imprisonment and fine. In case the Sessions Judge considers that such punishments are inadequate, he will transfer the case for disposal to the High Court.

3. In trials of European British subjects before a Sessions Court, the Judge will follow his ordinary procedure, and the trial will be either with assessors or by jury. Not less than half the assessors or jurors, as the case may be, are to be European British subjects. To obtain this number we have allowed the Judge to summon persons who could, in other trials, claim exemption.

4. We maintain the proposal referred to in the preliminary report, Resolution 1, clause 4, that any European British subject may apply to a High Court for an order to bring the applicant before it and to examine the legality of his imprisonment; and we have empowered the High Court to make the necessary inquiries, by affidavit or otherwise, either before or after the issue of such an order, with a view to ascertaining the state of the case.

5. We consider such an order preferable to the common law writ of *Habeas Corpus* on account of the intricacies of procedure connected with the issue of and returns to that writ.

6. We propose, accordingly, that no writs of *Habeas Corpus* or Mainprise shall be issued beyond the Presidency towns. Whether, as the law now stands, they can be issued, may be regarded as a moot point; but we think the existence of such a power would be unsuited to this country. The provisions of the Penal Code on "Wrongful Restraint" appear to us to be quite sufficient protection for personal liberty in all common cases.

7. We have cleared up the doubt which has hitherto existed as to whether all portions of the Code apply to European British subjects, by providing that, except in respect of the special privileges above described, and in respect of orders under chapter thirty-seven to give security in cases of bad livelihood, the Criminal Procedure Code shall be applicable to all persons alike.

8. With regard to the second Resolution of the preliminary report, we have, after communication with the several High Courts, come to the conclusion that it would not be convenient to deal in this Bill with the procedure of Police Magistrates in Presidency towns, and of High Courts in the exercise of their original criminal jurisdiction within the like limits. The subject is, however, one which, in our opinion, calls for early legislation; and we recommend that a Bill which has been prepared in the Legislative Department, dealing with these matters, should be taken into consideration at the first convenient opportunity.

9. As to Resolution 3, we do not recommend the abolition of the jury system; but we think that the opinion of a majority of the jurors with the concurrence of the Judge should decide the case; and that, if a Judge differs from the verdict of the majority of the jury, he should have power to refer the case to the High Court, which may pass such order thereon as it thinks fit.

10. To come to the details of the Bill as now amended, several additions have been made to the chapter of definitions. We have assigned a precise meaning to "Investigation," "Inquiry," "Trial," "Judicial proceeding," "Province," "High Court," "European British subject," "Sessions case," "Magistrate's case," "Summons Case" and "Warrant case," "Cognizable," "non-cognizable," &c. The effect of these definitions will be, we think, to render the provisions of the Code more distinct and intelligible.

11. We have provided that the criminal Courts shall have jurisdiction in offences created by special and local laws which are silent as to the tribunal intended, but no Court is to take cognizance of offences punishable with more than twice the maximum punishment which it can inflict, nor is it to inflict a punishment in excess of its powers.

12. In Part II, we make provision for the constitution of all criminal Courts subordinate to the High Court. Besides the ordinary Courts, power is given to the Local Government to appoint Additional Sessions Judges and Assistant Sessions Judges, whose powers will be on the same footing as the Assistant Sessions Judges at present existing in Bombay.

13. We have grouped, in several consecutive sections, the powers, judicial and miscellaneous, of Magistrates. Section 20 sets forth the punishments which Magistrates of the first, second and third classes may inflict: section 21 gives a list of all the principal miscellaneous magisterial powers, and the following sections, 22—29, specify which of these powers are to be inherent in each class of Magistrates, and which of them may be conferred on Magistrates by the Local Governments and the Magistrate of the District, respectively.

14. Sections 32—34 deal with the effect of irregularities. With a view to preventing trials being improperly set aside on account of irregularities not involving a substantial failure of justice, we have provided, in the case of all the most probable irregularities, what the precise effect of an irregularity shall be.

15. We have provided that the Magistrate of the District may distribute the criminal business of his district locally, by giving to specified Magistrates the power to entertain complaints in certain areas

16. The position of the Magistrate of the District in relation to all other Magistrates having jurisdiction in the district has been distinctly defined: all other Magistrates, including Magistrates in charge of a division of a district, have been made subordinate to him, and we propose to invest him with power to withdraw any case or class of cases from a Subordinate Magistrate, and to try it himself or transfer it to any other Court of competent jurisdiction.

17. The Local Government is empowered to create Divisions of Districts, and we have clearly described the position of the Magistrate in charge of a Division of a District, and his relations to the Magistrate and other local officials.

18. In the districts where there are Commissioners and Deputy Commissioners, we have provided that the Chief Executive Officer of a District may try, as a Magistrate, cases not punishable with death; but in any case in which a sentence of more than three years' imprisonment is passed, the order must be confirmed by the Court of Session.

19. We have provided for the creation of Special Magistrates and Benches of Magistrates.

20. We have provided that the High Court may transfer any case from one subordinate Court to another, or may itself dispose of it, following the procedure of the Court from which the case was transferred.

21. We have inserted a chapter dealing with the appointment of Public Prosecutors, and defining the conditions on which private individuals may be allowed to conduct prosecutions.

22. We have added "Murder" and "Offences against the State" to the list of offencee which it is the duty of the public to report: and we have embodied several provisions of the Bengal Regulations, which define the responsibility of landholders and others for the detection and prevention of local crime.

23. We have added sections empowering private individuals to arrest, in non-bailable cases, for offences for which a Police officer could arrest without warrant when committed in his sight; a power which at present exists, but is not distinctly conferred by law. In the chapter on Police investigations, we have rendered it obligatory to reply to questions asked by a Police officer, and we propose to provide that a Magistrate may assist the Police, when necessary, by coming to the spot, and recording depositions or confessions.

24. We have inserted a section to provide for the arrest, by masters and mates of British merchant vessels, of deserters from such vessels, and have defined the duty and responsibility of the Police in this matter.

25. We have made the venue sections of the Code applicable to Police inquiries, so that henceforth the same principles will guide a Magistrate and a Police officer in determining whether he has jurisdiction to inquire or to investigate.

26. We have provided that Police officers, deputed by the officer in charge of the Police station to make an investigation, should have power to take the statements of persons and search for any necessary evidence, in the same manner as the officer in charge of the Police station.

27. We have cleared up a doubt which previously existed as to the detention in Police custody by order of a Magistrate, and whilst we have not required the accused person to be at once brought brought before a Magistrate—as that course would defeat the object in view—we have provided that, if such an order is passed by a subordinate Magistrate, he shall report the fact and his reasons for passing the order to the Magistrate of the District or of the division of the district. Thus securing a close supervision over the grant of these orders.

28. We have provided that officers in charge of a Police station holding inquests, may summon any necessary witnesses, and we have empowered Magistrates to hold inquests in substitution for, or in addition to, the inquest by the Police. It is proposed also that any powers exerciseable by a subordinate Police officer may be exercised by his superior throughout the local jurisdiction of the superior.

29. In Part IV, we have distinctly defined the classes of Magistrates who may entertain complaints, act without any complaint, or commit to the Court of Session, and have set forth the procedure necessary for compelling appearance.

30. In chapter XIII, we have, following the provisions of an old Regulation, provided for the issue of a warrant to landholders and other persons for the apprehension of criminals on their estates.

31. We have provided that the dismissal of a summons case shall operate as an acquittal.

32. In chapter XIV, we have cleared up the doubt which formerly existed as to whether a Court might, except in summons cases, allow an offence which was by law compoundable, to be compounded in Court. We recommend that this should be allowed.

33. In chapter XVIII, we have provided a procedure for the summary trial of all summons cases and certain other specified offences. We have made the power to hold summary trials inherent in the Magistrate of the District, but have empowered the Local Government to invest first class Magistrates or Benches of Magistrates with all or any of the powers mentioned in this chapter. The chief feature of the summary trial, as we propose it, is that instead of the usual record o the proceedings, there will be a mere register in non-appealable cases, and a curtailed record of the evidence in appealable cases. In summary trials held by Magistrates of the first class or Benches of Magistrates exercising first class powers, there will be no appeal from a sentence of three months' imprisonment or fine not exceeding two hundred rupees.

34. In chapter XIX, section 249, we have provided in the case of trials by a Session Judge that the depositions given before the committing Magistrate may be referred to and used by the Court.

35. We have provided that an Appellate Court may, if it think fit, enhance the sentence passed by the original Court; but if the sentence was passed by a Magistrate, the punishment is not to exceed that which a first class Magistrate could award, and we have made provision for notice of appeal being given in certain cases to the prosecution.

36. We have explicitly stated, in the chapter on Trials before the Court of Session, the privilege of counsel for the prosecution and defence to address the Court in the conduct of their case, and we have given the Court power to examine the accused at any stage of the proceedings.

37. With a view to emphasizing the responsibility of the Magistrate of the District for the peace and order of the district, we have provided that appeals from orders by Magistrates to furnish security for good behaviour shall, in every instance, lie to this officer.

38. In the chapter on Reference, we have provided that the High Court shall have the same powers in cases tried by juries as in cases tried with the aid of assessors.

39. We have somewhat amplified the powers of the High Court as to revision.

40. We have inserted sections in the chapter on Trials before the Court of Session defining the relative duties of the Judge and the jury.

41. We have allowed Appellate Courts desiring further evidence the option of taking such evidence themselves, or of ordering it to be taken.

42. We have given authority to the High Court to postpone and commute a sentence of death passed on a pregnant woman.

43. We have provided that, when a person sentenced to whipping is incapable, on medical grounds, of undergoingthe whole of the sentence, the Court may pass any other sentence in lieu of the part of the whippi ng not undergone.

44. In chapter XXIV, section 328, we have provided that, in cases where, without objection on the part of the accused, evidence has been taken partly by one Magistrate and partly by another, the conviction may, if the accused person has not been prejudiced, be upheld.

45. In section 327, we have provided that, in the case of accused persons who abscond, any competent Court may record the statements of persons acquainted with the facts of the case, and that such statements shall subsequently be available for the purpose of the trial.

46. Commitments made on evidence partly recorded by one officer and partly by another will, in every case, be sustainable.

47. We have provided for the issue of a Commission by the High Court or Court of Session for the purpose of taking evidence in cases in which serious inconvenience would result from requiring the personal attendance of the witness.

48. In cases where the punishment consists only of fine, we have provided that the imprisonment in default of payment of fine shall not exceed the imprisonment the Court is competent to inflict as a substantive sentence.

49. We have added explanations and illustrations to elucidate the law relative to the power of the Courts to try two or more offences at one time, as the corresponding section of Act XXV of 1861 has given rise to a very large number of constructions by the superior Courts, and several of these rulings enunciate conflicting principles.

50. In order to render section 75 of the Indian Penal Code operative, we have provided that persons coming within its provisions shall ordinarily be committed.

51. We have empowered the Governor General in Council and the Local Government to revoke a conditional pardon granted by him or by it. This is to meet the difficulty of proving in a Court of justice that a man knows more than he pretends to know.

52. We have provided that, in addition to summons cases, the Court may, in the trial of certain specified offences, record evidence in the mode provided for summons cases. The object being to simplify the record in trials where technical points are not likely to occur.

53. We have restricted the power to grant warrants of search for letters in the Post Office to Magistrates of Districts.

54. Under the Criminal Procedure Code, an officer in charge of a Police station could require an officer in charge of another Police station to search for anything necessary to the conduct of an investigation, but no power was given to the latter to comply with the requisition. We have supplied the omission.

55. We have legalized the existing practice of searching arrested persons.

56. We have empowered the Court of Session in all cases to direct the admission of accused persons to bail.

57. In the chapter (XXIX) on the formation of lists of assessors and jurors, we have provided that the Sessions Judge shall sit with the Collector. We have exempted all officers in civil employ superior in rank to a Magistrate of the District, and have given power to the Local Government to exempt any person from liability to serve as a juror or assessor.

58. We have provided, generally, that distress warrants may be executed in the district in which they are issued and in any district in which they may be endorsed.

59. We have restricted the power of tendering a pardon, on condition of evidence being given, to cases triable exclusively by a Court of Session.

60. In chapter XXVI, we have given Magistrates, in warrant and sessions cases, the power of refusing to summon any witness who clearly appears to be unnecessary; we have extended to all warrant and non-cognizable summons cases the provision now applicable only to sessions cases, enabling the Court to require deposit of the expenses of a witness prior to summoning him.

61. We have made the necessary provision for securing documentary evidence, and for impounding such documents as the Court thinks fit.

62. In chapter XXXI, we have provided, in the case of criminal lunatics, that it shall rest with the Local Government to decide whether a criminal lunatic, who is pronounced harmless by a Commission, shall or shall not be released.

63. We have redrawn the chapter on Charges, with a view to increased simplicity; and we have introduced provisions as to joinder of several charges in a single trial, and of several persons in a single charge.

64. In chapter XXXIV, we have stated the matters which the finding must necessarily contain, but have left the Courts to adopt the form in which those matters shall be expressed.

65. In chapter XXXV, with a view to avoiding miscarriages of justice, we have provided that a sanction for a prosecution under any specified section shall cover a prosecution for the same facts under any other section.

66. We have provided that any person having the care of a married woman may institute a prosecution for adultery committed with her. This provision is designed to meet the case of Native soldiers while on service.

67. We have added a chapter on the dispersion of unlawful assemblies, in which the duties of the Magistrate, the officer commanding the troops, and the soldiery are distinctly laid down.

68. In chapter XXXVIII, we have distinctly provided that the provisions for taking security for good behaviour shall not apply to European British subjects; such cases appear to be sufficiently and more appropriately dealt with under the European Vagrancy Act.

69. We have restricted the power to make orders to prevent obstructions and prohibit nuisances to Magistrates of Districts and Magistrates of Divisions of Districts, and to such Magistrates as may be specially authorized to exercise this power.

70. In chapter XXXIX, we have provided, in local nuisance cases, for the mode in which the jury shall be summoned, and in which its duties shall be performed.

71. In chapter XL, we have given power to criminal Courts convicting any person of an offence attended with criminal force, by which any person was dispossessed of immoveable property, to restore the dispossessed person to possession without prejudice to the decision of a civil Court.

72. Under chapter XLI, we have provided that an order of maintenance may be enforced as a warrant for the levy of a fine in any district in which the person to whom the order is addressed may happen to be.

73. In the schedule, we have to some degree extended the powers of Magistrates. There are many offences punishable under the Indian Penal Code with very severe sentences, but which embrace within their definitions crimes of every shade, from the offence which demands the heaviest penalty, to that which is suitably punished by a short term of imprisonment. In extending the power of the Courts to try offences, we have left it to their discretion to exercise jurisdiction or to commit for trial as the circumstances of each case may demand.

74. Subject to the above amendments, we recommend that the Bill be passed.

75. The Committee wish, in conclusion, to record the valuable services which have been rendered by Captain Newbery throughout the preparation of this Bill, and the important assistance which they have received from his experience, industry and skill. It is in no small degree owing to him that the Bill has, within the limited time prescribed, been advanced to its present stage of completeness.

J. F. STEPHEN.
G. CAMPBELL.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 12th March 1872.

CRIMINAL PROCEDURE BILL.

CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.

PRELIMINARY, REPEAL, LOCAL EXTENT AND DEFINITIONS.

SECTION.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments.
   Saving of special procedure.
   References to Code of Criminal Procedure.
   References in former Acts.
   Certain specified references.
3. Pending cases.
4. Definitions.

PART II.

CONSTITUTION AND POWERS OF THE CRIMINAL COURTS.

CHAPTER II.

OF CRIMINAL TRIALS AND INQUIRIES.

5. Grades of Criminal Courts.
6. What Officers to hold inquiries.
7. What Courts to try offences.
8. Offences under local and special laws.
9. Appointment and removal of Judges and Magistrates.
10. Saving of existing incumbents.
11. Inquiry and trial in case of European British subjects.

CHAPTER III.

OF COURTS OF SESSION.

12. Sessions Divisions.
13. Power to alter Divisions.
14. Existing local jurisdictions of Sessions Courts to be Sessions Divisions.
15. One Court for each Division.
16. Appointment and powers of Sessions Judges.
17. Appointment and powers of Additional and Joint Sessions Judges.
18. Appointment and powers of Assistant Sessions Judges.

CHAPTER IV.

OF MAGISTRATES AND THEIR POWERS.

19. Magistrates to be of three classes.
20. Magistrates' powers to try offences.
    Powers of Magistrates, First Class.
    Powers of Magistrates, Second Class.
    Powers of Magistrates, Third Class.
21. Powers conferred upon Magistrates.
22. Powers common to all Magistrates.
23. Powers which Local Government and Magistrate of the District may confer on third Class Magistrates.
24. Powers of Magistrates of the Second Class.
25. Powers which may be conferred on Second Class Magistrates.

SECTION.
26. Powers of Magistrates of the First Class.
27. Powers which may be conferred on First Class Magistrates.
28. Powers of Magistrates of Divisions of Districts.
29. Powers which Local Government may confer on Magistrates of Divisions of Districts
30. Powers of Magistrates of Districts.
31. Saving of other powers.
32. Irregularities which do no vitiate proceedings.
33. When irregular commitments may be validated.
34. Irregularities which render proceedings void.

THE MAGISTRATE OF THE DISTRICT.

35. Magistrate of the District.
36. Powers with which Deputy Commissioners and chief executive officers of District may be invested.

SUBORDINATE MAGISTRATES.

37. Subordinate Magistrates.
Proviso.
38. Power to determine local jurisdiction of a Magistrate of District.
39. Division of Districts into divisions.
Existing divisions preserved.
40. Local Government may put Magistrate in charge of division.
Delegation of power to Magistrate of District.
41. Subordination of officers to Magistrate of division of district.
42. Special Magistrates.
43. Mode of conferring powers.
44. Transfer of criminal cases to Subordinate Magistrate.
45. Procedure of Magistrate in cases beyond his jurisdiction.
46. Procedure when Magistrate cannot pass sentence sufficiently severe.
Magistrate may in the first instance commit accused for trial before Court of Session.
47. Magistrate may withdraw or refer cases.
48. Local Government may empower Magistrates of Districts to withdraw classes of cases.
49. Local Government may authorize Magistrate of District to distribute business by localities.

MAGISTRATES' BENCHES.

50. Power to invest Magistrates sitting as a Bench with certain powers.
51. Powers exercisable by such Bench in absence of special directions.
52. Magistrate of the District may frame rules for guidance of Benches.
53. Magistrate of District may vary or annul rules made under section 52.

CONTINUANCE AND ALTERATION OF POWERS.

54. Powers may be varied or cancelled.
55. Powers of officer temporarily succeeding to vacancies in office of Magistrate of District.
56. Continuance of powers of officers transferred.

CHAPTER V.

OF PUBLIC PROSECUTORS.

57. Appointment of public prosecutor.
58. Appointment may be for particular case or generally.
59. Private persons may not act as prosecutors or employ Counsel without permission of the Court.
60. He may plead in all Courts in cases under his charge.
Barristers, &c , privately instructed to be under his direction.
61. Effect of withdrawal of charge by public prosecutor.
62. Notice to public prosecutor of appeal in cases prosecuted by him.

CHAPTER VI.

THE PLACE OF INQUIRY AND TRIAL.

SECTION.
63. Place for inquiry and trial of offence.
64. High Court may transfer case or direct trial in district other than that in which offence was committed.
65. Accused triable in district where act is done, or where consequence ensues.

SECTION.

66. Place for trial where act is offence by reason of relation to other offence.
67. Place for inquiry or trial where scene of offence is uncertain;
or not in one district only,
or offence is continuing,
or consists of several acts.
68. Murder as a thug, dacoity, or dacoity with murder.
69. High Court to decide, in case of doubt, district where inquiry shall take place.
70. Effect, on sentence, of holding investigation, inquiry or trial in wrong district.

CHAPTER VII.

OF CRIMINAL JURISDICTION OVER EUROPEAN BRITISH SUBJECTS.

71. "European British subjects."
72. Officers who may inquire into and try offences committed by European British subjects.
73. Who may hear complaints and issue process.
74. First class Magistrates being European British subjects, and Justices of the Peace, may inquire into complaints against European British subjects.
When such Magistrate may try, and extent of his jurisdiction.
75. When commitment is to be to Court of Session.
When commitment is to be to High Court.
76. Jurisdiction of Court of Session.
When Sessions Judge finds his powers inadequate.
77. Procedure when Sessions Judge is not a European British subject.
78. Mode of conducting trials by Court of Session
79. Appeal from conviction of such subject by Magistrate.
80. Appeal from conviction by Court of Session.
81. Right of European British subject under detention to apply for order to produce his person.
Procedure on such application.
82. Power of High Courts as to issue of writs.
83. Procedure on claim of European British subject to be dealt with as such.
84. Failure to plead status a waiver.
85. Trial of person not a European British subject under this Chapter.
86. Procedure of High Courts.
87. Proceedings against European British subjects to be regulated by this Act.
88. Place of confinement.

PART III.

OF THE POLICE.

CHAPTER VIII.

OFFENCES OF WHICH INFORMATION MUST BE GIVEN TO THE POLICE, AND DUTY OF THE PUBLIC.

89. All persons to give information of certain offences.
90. Landholders and others bound to report certain matters.
91. All persons to assist Magistrate and Police in certain cases.

CHAPTER IX.

OF ARREST WITHOUT WARRANT.

92. When Police may arrest without warrant.
93. Person charged refusing to give his name and residence.
94. Arrest of vagabonds.
95. Police to prevent certain offences.
96. Information of design to commit such offences.
97. Arrest to prevent such offences.
98. Injury to public property.
99. Ingress to be allowed into house entered by person of whom Police in search.
100. Procedure where ingress not obtainable.
101. Person arrested to be taken before Magistrate or Officer in charge of Police station.
102. Procedure when Police officer deputes subordinate to arrest without warrant.
103. Police may pursue offenders into other jurisdictions.
104. Detention of offenders attending Court.

OF ARREST BY PRIVATE PERSONS.

SECTION.
105. Arrest by private persons.
106. Arrest of deserters from British ships.
107. How to proceed with person arrested.
108. Offence committed in Magistrate's presence.

CHAPTER X.

POWERS OF THE POLICE TO INVESTIGATE.

109. What offences Police officer may investigate.
110. What offences Police may not investigate.
111. Saving of powers vested in Police by special or local law.
112. Complaint to Police to be in writing.
113. Complaint in non-cognizable cases.
114. Upon information, &c., Police officer in charge of station to proceed in person or depute a subordinate.
115. Preliminary inquiry.
116. Where local investigation dispensed with.
117. Where Police officer in charge sees no sufficient ground for investigation.
118. Police officer's power to summon witnesses.
119. Oral examination of witnesses by Police.
Proviso.
120. No inducement to be offered to confess.
121. Police not to record statement or confession.
Proviso.
122. Powers of Magistrates to record statements and confessions.
123. Investigation by Police.
124. Accused not to be detained by Police more than twenty-four hours without special authority.
125. Procedure of Police in case of deficient evidence.
126. Daily record of proceedings.
127. Report of Police officer.
128. Admission to bail.
129. Bail not to be excessive.
Terms of security.
130. Complainants and witnesses to execute recognizances to appear.
131. Complainants and witnesses not to be subjected to restraint.
Recusant complainant or witness may be forwarded in custody.
132. Police to report apprehensions.
Discharge of person apprehended.
133. Police to inquire and report on unnatural and sudden deaths.
134. Power to summon persons.
135. Inquiry into cause of such death by nearest Magistrate.
136. Substitute for officer in charge of Police-station during his absence or illness.
137. Powers of superior officers of Police.
138. Assistant District Superintendent of Police may exercise powers of District Superintendent.

PART IV.

OF PROCEEDINGS TO COMPEL APPEARANCE.

CHAPTER XI.

OF COMPLAINTS TO A MAGISTRATE.

139. Processes.
140. When summons or warrant may be issued.
141. Who may entertain complaints.
142. Who may act without complaint.
143. Who may commit for trial.
144. Examination of complainant.
145. Procedure by Magistrate not empowered to hear complaint.
146. Postponement of issue of process.
147. Dismissal of complaint.
Issue of process.
148. On complaint summons may issue.
149. In what cases warrant may issue on complaint.

SECTION.
150. Warrant to arrest if summons not obeyed.
151. Magistrate may dispense with personal attendance of accused

CHAPTER XII.
OF THE SUMMONS.

152. Form of summons.
153. Summons by whom served.
154. Summons how served.
155. Service when accused cannot be found.
156. Issue of warrant in addition to summons.
157. Summons or warrant for offence committed beyond local jurisdiction.
158. Provisions in this Chapter as to form, service and issue of summons applicable to all summonses.

CHAPTER XIII.
OF THE WARRANT.

159. Form of warrant.
160. Magistrate may direct bail to be taken.
Bail-bond to be forwarded.
161. Warrants to whom directed.
162. Warrant may be directed to land-holders, &c.
163. Warrants directed to any person other than a Police officer.
164. Warrant to several persons.
165. Warrant directed to Police officer.
166. Magistrate issuing warrant may superintend its execution.
Arrest in presence of Magistrate.
167. Where warrant may be executed.
168. Magistrate may issue warrant for execution in places outside his jurisdiction.
169. Procedure on arrest of person against whom warrant was issued.
170. Procedure by Magistrate before whom arrested person is brought.
171. Proclamation for person absconding.
172. Attachment of property of person absconding.
173. Restoration of forfeited property.
174. Magistrate's procedure on arrest under his own warrant for offence committed out of his jurisdiction.
175. Procedure where such warrant issued by Subordinate Magistrate.
176. Notification of substance of warrant.
177. Warrant how executed.
178. Resisting endeavour to arrest.
179. Search of house entered by person against whom warrant issued.
180. Breaking of door or window.
181. Breaking open zenana.
182. No unnecessary restraint.
183. Person arrested to be brought before Magistrate.
184. Inducements to disclosure or confession.
185. Provisions as to warrant and its execution and issue applicable to all warrants of arrest.

PART V.
OF INQUIRIES AND TRIALS.
CHAPTER XIV.
PRELIMINARY.

186. Right of accused to be defended.
187. Criminal Courts to be open.
188. Compounding offences.

CHAPTER XV.
OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

189. Procedure in preliminary inquiries.
190. Examination of complainant and witnesses for prosecution.
191. Examination to be in presence of accused.
Accused may cross-examine.
192. Power of Magistrate to summon and examine any person.
193. Examination of accused.
194. Adjournment of inquiry and remand.

SECTION.
195. When accused person to be discharged.
196. When accused is to be committed for trial.
197. When commitment to be to a High Court.
198. Contents of charge.
Copy of charge.
199. Copy of charge to be furnished to accused.
200. List of witnesses for defence on trial.
Further list.
201. Copies of depositions to be furnished to accused.
202. When commitment made, Magistrate to give notice to Government prosecutor.

CHAPTER XVI.

OF THE TRIAL OF SUMMONS CASES BY MAGISTRATES.

203. Procedure in summons cases.
204. Accused person may be admitted to bail or allowed to be at large on his personal recognizance.
205. Non-appearance of complainant.
206. Substance of complaint to be stated.
Conviction on admission of truth of complaint.
207. Procedure when no such admission is made.
208. Adjournment.
209. Compensation in cases of frivolous or vexatious complaints.
Recovery of such compensation.
210. Withdrawal of complaint.
211. Acquittal.
Sentence.
212. Effect of dismissal.

CHAPTER XVII.

OF THE TRIAL OF WARRANT CASES BY MAGISTRATES.

213. Procedure in warrant cases.
214. Sections 190 to 194 to apply.
215. Discharge of accused.
216. Charge to be drawn when offence is apparently proved.
217. Plea.
218. Defence.
219. Evidence for the defence.
220. Acquittal.
Conviction.
221. How the Magistrate is to proceed when, after commencement of trial, he finds the case beyond his jurisdiction.

CHAPTER XVIII.

OF SUMMARY TRIALS.

222. What offences may be tried summarily.
223. Power to invest Magistrates with power to try summarily.
224. Power to invest Bench of Magistrates exercising first class magisterial powers.
225. Power to invest Bench of Magistrates exercising less power.
226. Procedure for summons and warrant cases applicable with certain exceptions.
227. Record in cases where there is no appeal.
228. Record in appealable cases.
229. Language of judgment.
230. Bench of Magistrates may be empowered to employ Clerk.

CHAPTER XIX.

TRIAL BY COURT OF SESSION.

231. Cognizance of offences by Court of Session in original jurisdiction.
232. Trials to be by jury or with assessors.
233. Local Government may order trials before Court of Session to be by jury.
234. Jury for trial of Europeans or Americans.
Election to be tried without jury.

SECTION.
235. Trial before Court of Session to be conducted by Government Pleader.
236. Number of jury.
237. Commencement of trial.
Plea of guilty.
238. Refusal to plead or claim to be tried.
239. Assessors how chosen.
240. Jurors to be chosen by lot.
241. Jury for trial of persons not Europeans or Americans.
242. Jury when European or American charged jointly with one of another race.
243. Names of jurors to be called.
Objections to jurors.
244. Grounds of objection.
245. Juror to understand the language in which evidence is given or interpreted.
246. Foreman of jury.
247. Examination of witnesses.
248. Examination of accused before Magistrate to be evidence.
249. Evidence given at the preliminary inquiry admissible.
250. Examination of accused.
251. Defence.
252. Prosecutor's right of reply.
253. View by jury or assessors.
254. Procedure when juror becomes unable to attend.
255. Assessors opinion and charge to jury.
256. Duty of Judge.
257. Duty of jury.
258. When juryman or assessor may be examined.
259. Procedure when assessor is unable to attend.
260. Jury or assessors to attend at adjourned sitting.
261. Cases tried with assessors.
262. Decision vested in Judge.
263. Cases tried by juries.
Procedure where jury differ.
264. Adjournment.
Postponement of trial.
265. The same jury or assessors may try in succession several offenders.

PART VI.

APPEAL, REFERENCE AND REVISION.

CHAPTER XX.

APPEALS.

266. Appeals from officers exercising powers less than those of a Magistrate of the first class.
267. Appeals in bad livelihood cases.
268. Appeals from convictions by Civil Courts.
269. Appeal from Magistrates.
270. Appeals by persons convicted by officers invested under section 36.
Appeals from convictions of Assistant Sessions Judges.
271. Appeals by persons convicted by Session Court.
272. No appeal in case of acquittal, except on behalf of Government.
273. No appeal in petty cases.
274. Appeals from summary convictions.
275. Copy of sentence to accompany petition.
276. Copy of sentence or order to be furnished.
277. Procedure where appellant in jail.
278. Rejection of appeal.
279. Notice of appeal.
280. Appellate Court may alter or reverse finding and sentence.
281. Suspension of sentence pending appeal.
Release of appellant on bail.
282. Appellate Court may make or direct further inquiry.
283. Finding or sentence when reversible by reason of error or defect in charge or proceedings.
Appellate Court may reduce punishment.
284. Procedure in case of conviction by Court not having jurisdiction.

SECTION.
285. Finality of orders on appeal.
286. Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

CHAPTER XXI.
REFERENCE.
287. Sentence of death.
288. Power of High Court to confirm sentence or annul conviction.
289. Power to direct further inquiry, &c.
290. Confirmation or new sentence to be signed by two Judges.
291. When High Court consists of one Judge.

CHAPTER XXII.
SUPERINTENDENCE AND REVISION.
292. Power to High Court to make rules, &c.
293. Calendars of trials by Subordinate Courts.
294. Power to call for records of Subordinate Courts
295. Powers of Court of Session and Magistrate to call for record of Subordinate Courts.
296. Reference to High Court.
297. Powers of revision.
Power to order commitment.
Power to alter finding and sentence.
Proviso to power of altering finding.
Power to annul conviction.
Power to annul improper and to pass proper sentence.
Suspension of sentence.
Powers of revision confined to High Court.
Exercise of Revisional jurisdiction optional.
298. Courts may order inquiry.
299. Order on revision to be certified to lower Court or District Magistrate.
Proviso.
300. Provisions of section 283 to apply.

PART VII.
EXECUTION.
CHAPTER XXIII.
301. Procedure in cases referred to High Court for confirmation.
302. Court of Session to send copy of finding and sentence to District Magistrate.
Warrant of Execution.
Procedure after sentence passed by Court inferior to Session Court.
303. Form and direction of warrant of commitment.
304. Warrant with whom to be lodged.
305. Execution of sentence under section 301 or 302.
306. Postponement of capital sentence on pregnant woman.
307. Levy of fine.
308. Payment of fine in compensation.
309. Imprisonment in default of payment of fine.
Proviso as to cases decided by a Magistrate.
310. Whipping, if awarded in addition to imprisonment, when to be inflicted.
311. Mode of inflicting the punishment.
312. Punishment not to be inflicted if offender not in fit state of health.
Stay of execution.
Nor by instalments.
313. Procedure if punishment cannot be inflicted under the last section.
314. Sentence in cases of simultaneous conviction of several offences.
Maximum term of imprisonment.
315. Trial of previously convicted persons.
Proviso.
316. Currency of sentence on escaped convicts.
317. Sentence on offender already sentenced for another offence.
Proviso.
318. Confinement of youthful offenders in reformatories.
319. Governor General in Council to appoint places to which persons sentenced to transportation may be sent.

SECTION.

Local Government to direct removal of such persons to places appointed.
320. Persons sentenced to transportation while undergoing transportation under previous sentence, need not be removed.
321. Sentence of death.
322. Power to remit punishment.
Power to commute punishment.

PART VIII.

EVIDENCE.

CHAPTER XXIV.

SPECIAL RULES OF EVIDENCE IN CRIMINAL CASES.

323. Evidence of Medical witness.
324. Court may summon Medical witness.
325. Report of Chemical Examiner.
326. Genuineness of signature may be presumed.
327. Record of evidence in the absence of the accused.
328. Convictions on evidence partly recorded by one Magistrate and partly by another.
329. Commitments on evidence partly recorded by one officer and partly by another valid.
330. When a commission may issue.
Mode of issuing commission.
Prosecutor and accused may examine witness.
Procedure when commission is required in Magistrate's cases.

CHAPTER XXV.

EVIDENCE HOW TAKEN.

331. Examination of complainants and witnesses.
332. Manner of recording evidence.
333. In summons cases and in trials by first and second class Magistrates of certain offences.
334. In all other cases, before Magistrates and in all proceedings before Courts of Session.
Evidence in English.
Memorandum when evidence not taken down in writing.
335. Local Government may direct evidence to be recorded by Magistrate himself in his vernacular;
or in English or in language in ordinary use in district.
336. In cases referred to in section 333, Magistrate may record as provided in section 334 or section 335.
337. Local Government to decide what language is to be held to be in ordinary use.
338. Form of record of evidence;
339. Procedure in regard to evidence when completed.
340. Interpretation of evidence to accused or his agent.
341. Remarks respecting demeanour of witness.

OF THE EXAMINATION OF PERSONS ACCUSED.

342. Accused may be questioned.
343. Accused not punishable for refusal to answer.
344. No influence to be used to induce disclosures.
345. Accused not to be sworn.
346. Examination of accused how recorded.
347. Magistrate may tender pardon to accomplice.
348. High Court or Court of Session may direct tender of pardon.
349. When Magistrate, Court of Session or High Court may direct commitment of person to whom pardon has been tendered.

CHAPTER XXVI.

OF SECURING THE ATTENDANCE OF WITNESSES.

350. Procedure for obtaining attendance of witnesses.
351. Power to summon material witness or examine person present.
352. When warrant of arrest may issue in first instance.
353. Procedure when warrant cannot be served.
354. Release of attached property of witness appearing and satisfying Magistrate.
Sale of property of witness not appearing or not satisfying Magistrate.
355. Arrest of person disobeying summons.
356. Committal of person refusing to answer.

INQUIRIES.

SECTION.
357. In inquiries preliminary to commitment.
358. When accused person is to be committed.
359. Refusal to summon unnecessary witness, unless deposit made.
360. Recognizances of prosecutors and witnesses.
Detention in custody in case of refusal to attend or to execute recognizance.

SUMMONS CASES.

361. In summons cases.

WARRANT CASES.

362. In cases tried upon warrant.

SESSIONS TRIALS.

363. Right of accused as to examination and summoning of witness.
364. Procedure in case of witness refusing to answer.

OF SECURING DOCUMENTARY EVIDENCE.

365. Procedure for obtaining production of document required as evidence.
366. When warrant for search for documents may issue.
367. Power to impound document produced.

CHAPTER XXVII.

OF SEARCH-WARRANTS.

368. Search-warrant when grantable.
369. Procedure as to letter in custody of Postal Department.
370. Direction of search-warrant.
371. Warrant to Police officer may be executed by his subordinate.
Endorsement.
372. Execution of search-warrant out of jurisdiction of Magistrate issuing it.
373. Search-warrants may in emergency be executed without endorsement.
Thing found to be taken to Magistrate within whose jurisdiction it is found.
Order thereon.
374. Procedure in such cases within Presidency town.
375. Magistrate may issue search-warrant to be executed in jurisdiction of another Magistrate.
376. Magistrate may send search-warrant by post to Magistrate of another District or division of District.
Endorsement and execution by such Magistrate.
Direction of warrant to be executed in Presidency town.
377. Search of house suspected to contain stolen property or forged documents.
378. Magistrate may attend personally.
Magistrate may direct search in his presence.
379. Search by officer in charge of Police-station.
380. When officer of Police station may require another to issue search-warrant.
381. Inspection of weights and measures.
382. Persons in charge of closed house to allow search.
383. Place to be searched may be broken open.
384. Breaking of zenana.
385. Search to be made in presence of witnesses.
Occupant of place searched may attend.
386. Mode of searching women.
387. Search of arrested persons.

PART IX.

PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

CHAPTER XXVIII.

BAIL.

388. When bail shall be taken.
389. Bail not be taken for certain offences.
When bail may be taken.
390. Power to direct admission to bail.
391. Recognizance of accused and sureties.
392. Insufficient bail.
393. Bail may be taken at any time before conviction.
394. Discharge on bail.

SECTION.

395. Discharge of sureties.
396. Procedure to compel payment of penalty by accused.
397. Procedure to compel payment of penalty by sureties.
398. In what cases the powers given by sections 396 and 397 may be exercised.
Remission of part of penalty.
Revision of orders.
399. Deposit may be made instead of bail.

CHAPTER XXIX.

FORMATION of LISTS OF JURORS AND ASSESSORS AND THEIR ATTENDANCE.

400. List of jurors and assessors.
401. Publication of list.
402. Revision of list.
403. Annual revision of list.
404. Jurors and Assessors.
405. Disqualifications.
406. Exemptions.
Person exempted is not bound to avail himself of his right of exemption.
407. Court to summon jurors.
408. Summoning and empanelling jurors under section 234.
409. Form and service of summons.
410. Power to summon another set of jurors or assessors.
411. Service of summons on officer of Government.
412. Court may excuse attendance of juror or assessor.
413. List of jurors or assessors attending.
414. Penalty for non-attendance of juror or assessor.

CHAPTER XXX.

MISCELLANEOUS PROVISIONS.

415. Procedure by Police upon seizure of stolen property.
Sale of perishable property.
416. Procedure where owner of property seized unknown.
417. Procedure if no claimant appear within six months.
418. Order for disposal of property regarding which offence committed.
419. Stay of such order.
420. Order may take form of reference to Magistrate of District.
421. Expenses of complainants and witnesses.
422. Interpreter to be sworn.

CHAPTER XXXI.

LUNATICS.

423. Procedure in case of accused being lunatic.
424. When accused appears to have been insane.
425. Procedure in case of person committed before a Court of Session being lunatic.
426. Release of lunatic pending investigation or trial.
Custody of lunatic.
427. Resumption of investigation or trial.
428. Procedure on accused appearing before Magistrate or Court of Session.
429. Finding in case of acquittal on ground of being lunatic.
430. Person so acquitted to be kept in safe custody.
431. Lunatic prisoners to be visited by Inspector General.
432. Procedure where lunatic prisoner is reported capable of making his defence.
433. Procedure where lunatic confined under Section 430 is declared capable of being discharged.
434. Delivery of lunatic to care of relative.

CHAPTER XXXII.

CONTEMPTS OF COURT.

435. Procedure in certain cases of contempt.
436. Procedure where Court considers that accused should be imprisoned, or fined more than 200 rupees.

SECTION.
437. Discharge of offender on submission or apology.
438. Procedure when offender is a European British subject.

PART X.

CHARGE, JUDGMENT AND SENTENCE.

CHAPTER XXXIII.

FORM OF CHARGES.

439. Charge to state offence.
Specific name of offence, sufficient statement.
How stated where offence has no specific name.
What implied in charges.
440. Particulars as to time, place and person.
441. When manner of committing offence must be stated.
442. Forms in schedule.
443. Effect of errors.
444. Prisoner may apply for amendment.
445. Court may amend.
446. How Court of Session may deal with charge.
447. When trial may proceed immediately after amendment.
448. When new trial may be directed or trial suspended.
449. Defendant may recall witnesses.
450. Previous sanction to be obtained if offence in new charge require it.
451. Effect of material error.

JOINDER OF CHARGES.

452. Separate charges for distinct offences.
453. More offences of one kind may be charged in a year.
454. Facts forming a connected transaction.
455. Where it is doubtful what offence has been committed.
456. When a person charged with one offence he can be convicted of another.
457. When offence proved included in offence charged.
458. What persons may be charged jointly.
459. Withdrawal of remaining charges on conviction on one of several charges.

PREVIOUS ACQUITTALS OR CONVICTIONS.

460. Person once convicted or acquitted not to be tried for same offence.

CHAPTER XXXIV.

OF THE JUDGMENT ORDER, AND SENTENCE.

461. Judgment to specify offence.
Judgment in the alternative.
462. When judgment is to be pronounced.
463. Judgment to be written in English or language of District.
Proviso.
464. Judgment what to contain.
Judgment to be translated.

CHAPTER XXXV.

PROSECUTIONS IN CERTAIN CASES.

465. Prosecutions for offences against the State.
466. Prosecution of judges and public servants.
467. Prosecution for contempts of the lawful authority of public servants.
468. Prosecution for certain offences against public justice.
469. Prosecution for certain offences relating to documents given in evidence.
470. Nature of sanction necessary.
471. Procedure in cases mentioned in sections 467, 468 and 469.
472. Power of Court of Session as to such offences committed before itself.
473. Offences in contempt of Court how to be disposed of.
474. Power of Civil Courts to complete investigation and commit to Court of Session.
475. Procedure of Civil Court in such cases.
476. Court may exercise all powers of Magistrate as to binding over persons to give evidence.

SECTION.

477. Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court.
478. Prosecution for adultery.
479. Prosecution for enticing away a married woman.

PART XI.

PREVENTIVE JURISDICTION OF MAGISTRATES.

CHAPTER XXXVI.

OF THE DISPERSION OF UNLAWFUL ASSEMBLIES.

480. Assembly to disperse on command of Magistrate or Police officer.
481. Use of force to disperse.
482. Use of Military Force.
483. When use of Military Force is not an offence.
484. Duty of officer commanding troops required by Magistrate to disperse assembly.
485. What acts done in obeying requisition not an offence.
486. Acts of inferior officers and soldiers done in obedience to order not an offence.
487. Duty of Queen's officers to suppress assembly.
488. Sanction required to prosecutions for acts done under sections 481, 482, 484 and 487.

CHAPTER XXXVII.

OF SECURITY FOR KEEPING THE PEACE.

489. Personal recognizance to keep the peace in cases of conviction.
Where convicting officer is not in charge of division of district nor a Magistrate of first class.
490. Security to keep the peace.
491. Summons to any person to show cause why he should not give bond to keep peace.
492. Form of summons.
493. Penalty of bond.
494. Warrant of arrest.
495. Magistrate may dispense with personal attendance of person informed against.
496. Discharge of person informed against.
497. Non-compliance with order to give bond.
498. Time for which person may be bound to keep peace.
Limit of imprisonment under section 497.
499. Extension of time for which person may be bound.
500. Discharge of recognizances.
501. Discharge of sureties.
502. Recovery of penalty from principal.
503. Recovery of penalty from surety.

CHAPTER XXXVIII.

OF SECURITY FOR GOOD BEHAVIOUR.

504. When Magistrate may require security for good behaviour for six months.
505. When Magistrate may require security for good behaviour for one year.
506. Procedure where security required for more than one year.
507. Proceedings to be laid before Court of Session.
508. Court of Session may require security for period not exceeding three years.
509. Contents of order for security.
510. Imprisonment in default of security.
Term of imprisonment.
511. Release of prisoners under requisition of security.
512. Report in case of prisoner under requisition of security by order of Court of Session.
513. Discharge of surety.
514. Recovery of penalty from sureties.
515. Issue of summons and warrant of arrest.
Manner of taking evidence under Part XI, Chapter XXXVII, or this Chapter.
516. Sureties may be rejected on the ground of character.
517. Chapter not applicable to European British subjects.

SECTION.

CHAPTER XXXIX.

LOCAL NUISANCES.

518. Magistrate may issue orders to prevent obstructions, danger to human life, or riots.
519. Magistrate may prohibit repetition or continuance of public nuisances.
520. Orders not judicial proceedings.
521. Magistrate may order removal of nuisances.
522. Service or notification of order.
523. Person ordered shall obey or may claim a jury.
Constitution of jury.
Suspension of order.
Procedure in case of non-appointment of or neglect by jury.
524. Attendance of jury.
525. Procedure in case of disobedience or neglect by person ordered.
526. Procedure where jury finds Magistrate's order to be reasonable.
527. Procedure where person ordered satisfies Magistrate that order is not reasonable.
528. Injunction pending inquiry by jury.
529. Saving of certain statutory provisions.

CHAPTER XL.

POSSESSION.

530. Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.
Party in possession to be continued until ousted by due course of law.
531. If previous possession cannot be ascertained, Magistrate may attach subject of dispute.
532. Disputes concerning right of use of land or water.
533. Local inquiry to determine boundary dispute.
534. Power to restore possession of immoveable property.
535. Saving of powers of Collectors and Revenue Courts.

CHAPTER XLI.

OF THE MAINTENANCE OF WIVES AND FAMILIES.

536. Order for maintenance of wives and children.
Enforcement of order.
Proviso.
537. Alteration in allowance.
538. Enforcement of order.

PART XII.

MISCELLANEOUS PROVISIONS

CHAPTER XLII.

MISCELLANEOUS.

539. Procedure in miscellaneous criminal cases and proceedings.
540. Saving of jurisdiction of Presidency Police Magistrates.
541. Saving of jurisdiction and procedure of landholders, heads of villages, villag Police officers, Cantonment Magistrates.
SCHEDULE I.—Enactments repealed.
SCHEDULE II.—Forms.
SCHEDULE III.—Charges with one Head.
SCHEDULE IV.—Explanatory Notes.

A Bill for regulating the Procedure of the Courts of Criminal Judicature.

[As amended by the Select Committee.]

Part I, C. I, ss. 1—4.

Preamble.

WHEREAS it is expedient to consolidate and amend the law regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY, REPEAL, LOCAL EXTENT AND DEFINITIONS.

Short title.

1. This Act may be called "The Code of Criminal Procedure."

Local extent.

It extends to the whole of British India, except the presidency towns;

Commencement.

And it shall come into force on the first day of September 1872.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed.

Saving of special procedure.

Wherever a special form of procedure is prescribed by any law, not expressly repealed in the first schedule to this Act, it shall not be deemed to have been impliedly repealed by reason of its being inconsistent with the provisions of this Code.

References to Code of Criminal Procedure.

In every Act passed before this Act, in which reference is made to the Code of Criminal Procedure, such reference shall be taken to be made to this Act.

References in former Acts.

In every Act, passed before this Act, the expressions "officer exercising the powers of a Magistrate," "Subordinate Magistrate, first class" and "Subordinate Magistrate, second class," shall, respectively, be deemed to mean "Magistrate of the first class," "Magistrate of the second class," and "Magistrate of the third class," as defined in this Act.

Certain specified references.

The references made in the Acts mentioned in column one of the fifth schedule to this Code shall be taken to be made to the sections of this Code given in column three of the said schedule.

Notifications published and orders made under any section of any Act hereby repealed, shall be deemed to have been published and made under the corresponding section of this Act.

Pending cases.

3. Cases pending in any Criminal Court when this Act comes into force shall be decided as far as may be according to the procedure provided in this Act.

Definitions.

4. In this Act the following words and expressions have the following meanings unless a different intention appears from the context:—

"Special law."

"Special law" means a law applicable to a particular subject.

"Local law."

"Local law" means a law applicable to a particular part of British India.

"Investigation."

"Investigation" includes all the proceedings by the Police, authorized by this Act, for the collection of evidence.

"Inquiry."

"Inquiry" means any inquiry which may be conducted by a Magistrate or Court under this Act.

"Inquired into."

"Inquired into" means and includes every proceeding preliminary to trial.

"Trial."

"Trial" means the proceedings taken in Court after a charge has been drawn up and includes the punishment of the offender.

It includes the proceedings under Chapters XVI and XVIII from the time when the accused appears in Court.

"Judicial Proceeding"

"Judicial Proceeding" means any proceeding in the course of which evidence is taken.

"Written."

"Written" includes "printed," "lithographed," "photographed" and "engraved."

"Criminal Court."

"Criminal Court" means and includes every Judge or Magistrate, or body of Judges or Magistrates inquiring into or trying any criminal case or engaged in any judicial proceeding.

"Province."

"Province" means the territories under the Government or Administration of any Local Government.

"Presidency town."

"Presidency town" means the local limits of the ordinary criminal jurisdiction of the High Courts of Calcutta, Madras or Bombay.

"High Court."

"High Court" means, in reference to proceedings against European British subjects, or persons jointly charged with European British subjects, the High Courts of Calcutta, Madras, Bombay, the High Court for the North-Western Provinces, and the Chief Court of the Panjáb.

In other cases "High Court" means the highest Court of criminal appeal or revision in any province.

"Session case."

"Session case" means and includes all cases specified in column 7 of the fourth schedule to this Act as cases triable by a Court of Session and all cases which Magistrates commit to a Court of Session although they might have tried them themselves.

In the case of offences created by special and local laws, "Session case" means cases which are triable by the Court of Session or which the Magistrate commits to the Court of Session though he might have tried them himself.

"Magistrate's case."

"Magistrate's case" means and includes all cases specified in column 7 of the fourth schedule to this Act as cases triable by Magistrates and all cases which Magistrates try themselves, although they might have committed them for trial to a Court of Session.

"Cognizable offence or case."

"Cognizable offence or case" means an offence for or a case in which a police officer may, by any law in force, arrest without warrant.

Parts I & II, C. I—IV, ss. 5—19.

"Non-cognizable offence or case." "Non-cognizable offence or case" means an offence for or a case in which a police officer may not arrest without warrant.

"Summons case." "Summons case" means an offence of the class described in section one hundred and forty-eight.

"Warrant case." "Warrant case" means an offence of the class described in section one hundred and forty-nine.

"Bailable offence or case." "Bailable offence or case" means an offence for or a case in which bail may be taken under the fourth schedule to this Act or by any other law in force.

"Non-bailable offence or case." "Non-bailable offence or case" means an offence for or a case in which bail may not be taken under the fourth schedule to this Act or by any law in force.

PART II.

CONSTITUTION AND POWERS OF THE CRIMINAL COURTS.

CHAPTER II.

Of Criminal Trials and Inquiries.

Grades of Criminal Courts. 5. There shall be four grades of Criminal Courts in British India—

I.—The Court of the Magistrate of the 3rd Class.

II.—The Court of the Magistrate of the 2nd Class.

III.—The Court of the Magistrate of the 1st Class.

IV.—The Court of Session.

What Officers to hold inquiries. 6. All inquiries shall be held by Magistrates according to the provisions hereinafter contained.

What Courts to try offences. 7. All Criminal trials in British India shall be held before the Courts specified in the fourth schedule to this Act, or before the Courts specified in any law by which the offence is created, according to the provisions hereinafter contained.

Offences under local and special laws. 8. Offences punishable under any law, other than the Indian Penal Code, containing no distinct provision as to the Court or Officer before which or before whom they are to be tried, may be inquired into and tried, according to the provisions hereinafter contained, by the Criminal Courts appointed under this Act. But no such Court shall award any sentence in excess of its ordinary powers, or try any such offence if it be punishable with more than twice the punishment which such Court is competent to inflict.

Appointment and removal of Judges and Magistrates. 9. All Judges and Magistrates shall be appointed and may be removed by the Local Government, but such officers as are now appointed or removed by the Government of India shall continue to be so appointed or removed.

Saving of existing incumbents. 10. All existing Judges and Magistrates shall be deemed to have been appointed under this Act.

Inquiry and trial in case of European British subjects. 11. Offences committed by European British subjects shall be inquired into and tried according to the provisions of Chapter VII, and not otherwise, but the other provisions of this Act shall apply to all persons without distinction of race unless a contrary intention is expressed.

CHAPTER III.

Of Courts of Session.

Sessions Divisions. 12. Every province shall be divided into Sessions Divisions.

Power to alter Divisions. 13. The Local Government shall have power to alter or vary from time to time the number or extent of such divisions.

Existing local jurisdictions of Sessions Courts to be Sessions Divisions. 14. The existing local jurisdictions of Courts of Session shall be Sessions Divisions, unless and until they are so varied or altered.

One Court for each Division. 15. There shall be a Court of Session in every Sessions Division.

It shall have power to try any offence and to pass upon any offender any sentence authorized by law, subject to the provisions of this Act.

Appointment and powers of Sessions Judges. 16. There shall be a Sessions Judge for every Sessions Division. The Sessions Judge shall exercise all the powers of the Court of Session in his Sessions Division.

Appointment and powers of Additional and Joint Sessions Judges. 17. The Local Government may appoint Additional Sessions Judges or Joint Sessions Judges who shall exercise all the powers of a Court of Session in one or more Sessions Divisions in which they may be directed to act, but shall try such cases only as the Local Government directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Appointment and powers of Assistant Sessions Judges. 18. The Local Government may also appoint Assistant Sessions Judges who shall exercise all the powers of a Court of Session in the Sessions Division to which they may be attached, except the power of passing sentences of death, or transportation, or imprisonment for more than seven years, but they shall try those cases only which the Sessions Judge of the Sessions Division makes over to them either by general orders or by a special order.

Any sentence of more than three years' imprisonment passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge. The Sessions Judge may either confirm, modify or annul such sentence of the Assistant Sessions Judge.

CHAPTER IV.

Of Magistrates and their Powers.

19. Magistrates shall be either—

Magistrates of the First Class,

Magistrates to be of three classes. Magistrates of the Second Class, or

Magistrates of the Third Class.

Part II, C. IV, ss. 20—22.

Magistrates' powers to try offences.

20. The powers of Magistrates in respect to the trial of offences and to passing sentences on persons convicted of them are as follows—

Powers of Magistrates, First Class.

Magistrates of the First Class may pass the following sentences:—

Imprisonment not exceeding the term of two years (including such solitary confinement as is authorized by law);

Fine to the extent of one thousand rupees;

Whipping.

Powers of Magistrates, Second Class.

Magistrates of the Second Class may pass the following sentences:—

Imprisonment not exceeding six months;

Fine not exceeding two hundred rupees;

Whipping.

Powers of Magistrates, Third Class.

Magistrates of the Third Class may pass the following sentences:—

Imprisonment not exceeding one month;

Fine not exceeding fifty rupees.

A Magistrate of the Second or Third Class may not pass a sentence of solitary confinement, nor may a Magistrate of the Third Class pass a sentence of whipping.

Any Magistrate may pass any lawful sentence combining any of the sentences which he is authorized by law to pass.

Powers conferred upon Magistrates.

21. In addition to the powers given in section twenty, the following powers are conferred, as hereinafter provided, upon Magistrates by this Act:—

(1.) Power to make over cases to a Subordinate Magistrate. (s. 44.)

(2.) Power to pass a sentence on proceedings recorded by a Subordinate Magistrate. (s. 46.)

(3.) Power to withdraw cases and to try or refer them for trial. (s. 47.)

(4.) Power to withdraw or refer appeals from convictions by 2nd and 3rd grade Magistrates. (s. 47.)

(5.) Power to arrest an accused person found in Court. (s. 104.)

(6.) Power to order the Police to investigate an offence. (s. 110.)

(7.) Power to record confessions or statements during a Police investigation. (s. 122.)

(8.) Power to authorize detention of a person during a Police investigation. (s. 124.)

(9.) Power to hold an inquest. (s. 135.)

(10.) Power to entertain complaints and receive Police reports. (s. 141.)

(11.) Power to entertain cases without complaint. (s. 142.)

(12.) Power to commit for trial. (s. 143.)

(13.) Power to issue process for person within jurisdiction who has committed an offence outside Magistrate's local jurisdiction. (s. 157.)

(14.) Power to direct warrant to landholder. (s. 162.)

(15.) Power to arrest offender in presence of Magistrate. (s. 166.)

(16.) Power to endorse warrant, or to order the removal of an accused person arrested under a warrant. (ss. 168 and 170.)

(17.) Power to issue proclamation. (ss. 171 and 353.)

(18.) Power to attach and sell. (ss. 172 and 354.)

(19.) Power to try summarily. (s. 222.)

(20.) Power to hear appeals from convictions by 2nd and 3rd class Magistrates. (s. 266.)

(21.) Power to call for proceedings. (ss. 295 and 296.)

(22.) Power to quash convictions in certain cases. (s. 328.)

(23.) Power to issue a search-warrant for letter in Post Office. (s. 369.)

(24.) Power to endorse a search warrant and order delivery of thing found. (ss. 372, 373 and 376.)

(25.) Power to issue search-warrant otherwise than in the course of an inquiry. (s. 377.)

(26.) Power to revise bail orders. (s. 398.)

(27.) Power to sell perishable property of a suspicious character. (s. 415.)

(28.) Power to sell suspicious or stolen property. (s. 417.)

(29.) Power to demand security to keep the peace. (s. 491.)

(30.) Power to discharge recognizances to keep the peace. (s. 500.)

(31.) Power to demand security for good behaviour. (ss. 504 and 505.)

(32.) Power to discharge person bound to be of good behaviour. (s. 511.)

(33.) Power to issue order to prevent obstruction, &c. (s. 518.)

(34.) Power to issue order prohibiting repetition of nuisance. (s. 519.)

(35.) Power to make orders, &c., in local nuisance cases. (s. 521.)

(36.) Power to make orders, &c., in possession cases. (s. 530.)

(37.) Power to make orders of maintenance. (s. 536.)

Powers common to all Magistrates.

22. Magistrates of all classes shall, as such, have the following powers:—

(1.) Power to arrest an accused person found in Court. (s. 104.)

(2.) Power to record confessions or statements during a Police investigation. (s. 122.)

(3.) Power to authorize detention of a person during a Police investigation. (s. 124.)

(4.) Power to arrest offender in the presence of Magistrate. (s. 166.)

(5.) Power to endorse warrant, or to order the removal of an accused person arrested under a warrant. (ss. 168—170.)

(6.) Power to issue proclamation in cases judicially before him. (ss. 171 and 353.)

(7.) Power to attach and sell moveable property in cases judicially before him. (s. 354.)

(8.) Power to endorse a search warrant and order delivery of thing found. (ss. 372, 373 and 376.)

(9.) Power to sell perishable property of a suspicious character. (s. 415.)

Part II, C. IV, ss. 23—28.

23. In addition to the powers mentioned in section twenty-two a Magistrate of the 3rd class may be invested with the following powers :—

Powers which Local Government and Magistrate of the District may confer on 3rd class Magistrates.

(*a.*) By the Local Government—
(1.) Power to hold inquests. (s. 135.)
(2.) Power to entertain complaints of offences in cases in which he has jurisdiction to try or to commit for trial. (s. 141.)
(3.) Power to commit for trial. (s. 143.)
(4.) Power to issue order to prevent obstruction, &c. (s. 518.)
(5.) Power to issue order prohibiting repetition of nuisance. (s. 519.)
(*b.*) By the Magistrate of the District—
(1.) Power to hold inquests. (s. 135.)
(2.) Power to entertain complaints of offences in cases in which he has jurisdiction to try or to commit for trial. (s. 141.)
(3.) Power to issue order to prevent obstruction, &c. (s. 518.)
(4.) Power to issue order prohibiting repetition of nuisance. (s. 519.)

24. Magistrates of the 2nd class shall, as such, in addition to the powers mentioned in section twenty-two, have the following power :—

Powers of Magistrates of the 2nd class.

(1.) Power to order the Police to investigate an offence in which he has jurisdiction to try or to commit for trial. (s. 110.)

25. In addition to the powers given and referred to in section twenty-four, a Magistrate of the 2nd class may be invested with the following powers :—

Powers which may be conferred on 2nd class Magistrates.

(*a.*) By the Local Government—
(1.) Power to hold inquests. (s. 135.)
(2.) Power to entertain complaints and receive police reports in cases in which he has jurisdiction to try or to commit for trial. (s. 141.)
(3.) Power to entertain without complaint cases which he has jurisdiction to try or to commit for trial. (s. 142.)
(4.) Power to commit for trial. (s. 143.)
(5.) Power to issue order to prevent obstruction, &c. (s. 518.)
(6.) Power to issue order prohibiting repetition of nuisance. (s. 519.)
(*b*) By the Magistrate of the District—
(1.) Power to hold inquests. (s. 135.)
(2.) Power to entertain complaints and receive police reports in cases in which he has jurisdiction to try or to commit for trial. (s. 141.)
(3.) Power to issue order to prevent obstruction, &c. (s. 518)
(4) Power to issue order prohibiting repetition of nuisance. (s. 519.)

26. Magistrates of the 1st class shall, as such, in addition to the powers mentioned in sections twenty-two and twenty-four, have the following powers :—

Powers of Magistrates of the 1st class.

(1.) Power to commit for trial. (s. 143.)
(2.) Power to issue search warrant otherwise than in the course of an inquiry. (s. 377.)
(3.) Power to demand security to keep the peace. (s. 491.)
(4.) Power to demand security for good behaviour. (ss. 504 and 505.)
(5.) Power to make orders, &c., in possession cases. (s. 530.)
(6.) Power to make orders of maintenance. (s. 536.)

27. In addition to the powers given and referred to in section twenty-six, a Magistrate of the 1st class may be invested with the following powers :—

Powers which may be conferred on 1st class Magistrates.

(*a.*) By the Local Government—
(1.) Power to make over cases taken up on complaint, &c., to a subordinate Magistrate. (s. 44).
(2.) Power to hold inquests. (s. 135.)
(3.) Power to entertain complaints of offences, and receive police reports. (s. 141).
(4.) Power to entertain cases without complaint. (s. 142).
(5.) Power to issue process for person within jurisdiction who has committed an offence outside Magistrate's local jurisdiction. (s. 157.)
(6.) Power to try summarily. (s. 222.)
(7.) Power to hear appeals from convictions by 2nd and 3rd class Magistrates. (s. 266.)
(8.) Power to sell suspicious or stolen property. (s 417.)
(9.) Power to issue order to prevent obstruction, &c. (s. 518.)
(10.) Power to issue order prohibiting repetition of nuisance. (s. 519.)
(11.) Power to make orders, &c., in local nuisance cases. (s. 521.)
(*b.*) By the Magistrate of the District—
(1.) Power to hold inquests. (s. 135.)
(2.) Power to entertain complaints of offences, and receive police reports. (s. 141.)
(3.) Power to issue order to prevent obstruction, &c. (s. 518.)
(4.) Power to issue order prohibiting repetition of nuisance. (s. 519.)

28. Magistrates of Divisions of Districts shall, as such, have all the powers given to 1st class Magistrates, and referred to in section twenty-six, and, in addition, shall have the following powers :—

Powers of Magistrates of Divisions of Districts.

(1.) Power to pass sentence on proceedings recorded by a subordinate Magistrate. (s. 46.)
(2.) Power to withdraw cases (but not appeals) and to try or refer them for trial. (s. 47.)
(3.) Power to hold inquests. (s. 135.)
(4.) Power to entertain complaints of offences, and receive police reports. (s. 141.)
(5.) Power to entertain cases without complaint. (s. 142.)
(6.) Power to issue process for person within jurisdiction who has committed an offence outside Magistrate's local jurisdiction. (s. 157.)
(7.) Power to issue search warrant otherwise than in the course of an inquiry. (s. 360.)
(8.) Power to sell suspicious or stolen property. (s. 417.)

(9.) Power to issue order to prevent obstruction, &c. (s. 518.)

(10.) Power to issue order prohibiting repetition of nuisance. (s. 519.)

(11.) Power to make orders in local nuisance cases. (s. 521.)

Provided that, if a Magistrate of a Division of a District exercise the powers of a 2nd class Magistrate, he shall not have power to demand security to keep the peace.

Powers which Local Government may confer on Magistrates of Divisions of Districts.

29. In addition to the powers given and referred to in section twenty-eight, the Local Government may confer on a Magistrate of a Division of a District, exercising the powers of a 1st class Magistrate, the following powers:—

(1.) Power to try summarily. (s. 222.)

(2.) Power to hear appeals from convictions by 2nd and 3rd class Magistrates. (s. 266.)

Powers of Magistrates of Districts.

30. Magistrates of Districts may, as such, exercise all the powers mentioned in section twenty-one.

Saving of other powers.

31. All other powers given by this Act or by any other law in force may be exercised by the officers or courts to whom or to which they are given.

Irregularities which do not vitiate proceedings.

32. If any Magistrate, not being empowered by law to act in the matter, does any one of the following things:—

(1) If he makes over a case taken up on complaint to another Magistrate,

(2) If he withdraws a case and tries it himself, or refers a case for trial,

(3) If he orders the Police to investigate an offence,

(4) If he holds an inquest,

(5) If he entertains a complaint or receives a Police report,

(6) If he issues process for the apprehension of a person who is within his local jurisdiction, and has committed an offence outside his local jurisdiction,

(7) If he issues a search warrant otherwise than in the course of an inquiry,

his proceedings shall not be set aside on that ground.

When irregular commitments may be validated.

33. If any Magistrate, not being empowered by law, commits an accused person to take his trial before a Court of Session or High Court, the Court to which the commitment was made may, after perusal of the proceedings, accept the commitment if it considers that the accused person has not been prejudiced, unless the accused person has objected to the jurisdiction of the committing Magistrate during the inquiry and before the order of commitment.

If it considers that the accused person was prejudiced, or if he objected to the jurisdiction of the committing Magistrate during the inquiry, and before the order of commitment, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Irregularities which render proceedings void.

34. If any Magistrate, not being empowered by law to act in the matter, does any of the following things, his proceedings shall be void. That is to say:—

(1) If he passes a sentence on proceedings recorded by another Magistrate,

(2) If he entertains a case without complaint,

(3) If he attaches and sells property under section 172,

(4) If he tries an offender summarily,

(5) If he decides an appeal,

(6) If he calls for proceedings,

(7) If he issues a search warrant for a letter in the Post Office,

(8) If he revises a bail order,

(9) If he sells suspicious or stolen property under section 417,

(10) If he demands security to keep the peace,

(11) If he discharges recognizances to keep the peace,

(12) If he demands security for good behaviour,

(13) If he discharges a person lawfully bound to be of good behaviour,

(14) If he makes an order in a local nuisance case,

(15) If he issues an order to prevent an obstruction,

(16) If he prohibits the repetition of a nuisance,

(17) If he makes an order in a possession case, or

(18) If he makes an order for maintenance.

The Magistrate of the District.

Magistrate of the District.

35. In every district there shall be a Magistrate of the First Class appointed by the Local Government who shall be called the Magistrate of the District and shall exercise throughout his district all the powers of a Magistrate.

Powers with which Deputy Commissioners and Chief executive officers of District may be invested.

36. In the territories subject to the Lieutenant-Governor of the Panjáb and in the territories administered by the Chief Commissioners of Oudh, the Central Provinces and British Burma, in Coorg, and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may invest the Deputy Commissioner, or other chief officer charged with the executive administration of the district in criminal matters, with power to try as a Magistrate all offences not punishable with death, and to pass sentence of imprisonment for a term not exceeding seven years including such solitary confinement as is authorized by law, or fine, or both, and whipping, or any combination of these punishments authorized by law; but any sentence of upwards of three years' imprisonment passed by any such officer shall be subject to the confirmation of the Sessions Judge to whom such Deputy Commissioner is subordinate.

Subordinate Magistrates.

Subordinate Magistrates.

37. The Local Government may appoint as many other persons besides the Magistrate of the District, as it thinks fit, to be Magistrates of the first, second or third class in the District.

All such Magistrates shall be subordinate to the Magistrate of the District.

Proviso.

The Local Government shall not have power to direct that any Magistrate may try any offence which Magistrates of his class are not authorized to try, or pass any sentence which Magistrates of his class are not authorized to pass by section twenty.

Power to determine local jurisdiction of a Magistrate of District.

38. The Local Government may, by notification in the official Gazette, prescribe the local limits of the jurisdiction of a Magistrate of the District and may by such notification from time to time alter such jurisdiction.

Division of Districts into divisions.

39. The Local Government may divide any district into divisions, and from time to time alter their limits. All existing divisions of districts which are now usually put under the charge of a Magistrate shall be divisions until they are so varied or altered.

Existing divisions preserved.

Local Government may put Magistrate in charge of division.

40. The Local Government may place any Magistrate of the 1st or 2nd class in charge of a Division of a District.

Such Magistrate shall be called a Magistrate of a Division of a District and shall exercise the powers conferred on him under this Act, or under any law for the time being in force, subject to the control of the Magistrate of the District.

Delegation of power to Magistrate of District.

The Local Government may, if it thinks fit, delegate its powers under this section to the Magistrate of the District.

Subordination of officers to Magistrate of division of district.

41. Every Magistrate in a Division of a District shall be subordinate to the Magistrate of the Division of the District, subject, however, to the general control of the Magistrate of the District.

Special Magistrates.

42. The Local Government may confer upon any person all or any of the powers of a 1st, 2nd or 3rd class Magistrate, in respect to particular offences, or to a particular class or particular classes of offences, or in regard to offences generally, in any part of a district or in any one or more districts, subject to such Local Government.

Such Magistrates shall be called "Special Magistrates."

Mode of conferring powers.

43. In conferring powers under this Act the Local Government may empower persons specially by name, or classes of officials generally by their official titles.

Transfer of criminal cases to Subordinate Magistrate.

44. The Magistrate of the District or any Magistrate of a division of a district, may make over any criminal case taken up by him on suspicion, or brought before him on complaint, or on report by the Police, for inquiry or trial to any Magistrate subordinate to him, to be dealt with to the extent of the powers with which the Subordinate Magistrate may have been invested under the provisions hereinbefore contained.

The Magistrate making the reference may, if the case was brought forward on complaint, before such reference, examine the complainant as prescribed in this Act, but if he does not do so the Magistrate to whom the case is referred shall proceed as if the complaint had been made to him.

The order of reference shall be recorded in a proceeding, and, if the case has been brought forward on the report of a Police officer, shall be recorded on such report; and all processes issued for causing the attendance of the accused person or the witnesses shall direct them to attend before such Court.

Procedure of Magistrate in cases beyond his jurisdiction.

45. If, in the course of a proceeding before a Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try,

or for which he is not competent to commit the accused person for trial,

he shall stay proceedings and submit the case to any Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District directs.

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial.

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

But any statement or confession duly made by an accused person in the course of the proceedings before the Magistrate before whom the case was originally brought shall be admissible as evidence in all subsequent proceedings.

Procedure when Magistrate cannot pass sentence sufficiently severe.

46. Whenever a Magistrate of the 2nd or 3rd class, having jurisdiction, finds an accused person guilty, and considers that he ought to receive a more severe punishment than such Magistrate is competent to adjudge, he may record the finding and submit his proceedings and forward the accused person to the Magistrate to whom he is subordinate.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and summon any further witnesses and take their evidence, and shall pass such sentence or order in the case as he deems proper, and as is according to law. Provided that he shall not exceed the powers ordinarily exercisable by him under section twenty of this Act.

Magistrate may in the first instance commit accused for trial before Court of Session.

The Magistrate who originally dealt with the case may, if he is empowered to hold inquiries into cases triable by the Court of Session and to commit persons to take their trial before such Court, instead of submitting his proceedings to another Magistrate, commit the accused person for trial before the Court of Session instead of finding him guilty.

Magistrate may withdraw or refer cases.

47. Magistrates of Districts and Magistrates of divisions of Districts may respectively withdraw any criminal case from any Magistrate sub-

Part II, C. II § V ss. 48—62.

ordinate to them, and may inquire into or try the case themselves, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Magistrates of districts may withdraw any criminal appeal from any Subordinate Magistrate who has been authorized to hear appeals from the convictions of 2nd and 3rd class Magistrates, and may refer criminal appeals to any competent Magistrate subordinate to them.

Local Government may empower Magistrates of Districts to withdraw classes of cases.

48. The Local Government may authorize the Magistrate of the District to withdraw from the Magistrates subordinate to them, whether in charge of divisions of districts or not, either such classes of cases as he thinks proper, or particular classes of cases.

Local Government may authorize Magistrate of district to distribute business by localities.

49. The Magistrate of the District, under the general or special orders of the Local Government, may authorize any Magistrate subordinate to him to entertain complaints arising within certain local limits, and may from time to time vary such orders. Provided that no such Magistrate shall be authorized to entertain any complaint of any offence which he is not competent to try or to commit for trial.

MAGISTRATES' BENCHES.

Power to invest Magistrates sitting as a bench with certain powers.

50. The Local Government may direct any two or more Magistrates to sit together as a bench, and may invest such bench with the powers of a Magistrate of the 1st, 2nd or 3rd class, and direct it to try such cases or such classes of cases only and within such limits as it thinks fit.

Powers exercisable by such bench in absence of special directions.

51. In the absence of any special direction as to the powers of any such bench, it shall have the powers of a Magistrate of the highest class to which any one of its members belongs, and who is present taking part in the proceedings.

Magistrate of the District may frame rules for guidance of benches

52. The Magistrate of the District may, subject to the general orders of the local Government, make rules for the guidance of Magistrates' benches in his District.

Such rules shall not be inconsistent with the provisions of this Act and may deal with the following subjects:—

The classes of cases to be tried.

The times and places of sitting.

The constitution of the bench for conducting trials.

The mode of settling differences of opinion which may arise between the Magistrates in session.

Magistrate of District may vary or annul rules made under section 52.

53. The Magistrate of the District may vary or annul, from time to time, any rules made by himself or by his predecessor under the last preceding section.

CONTINUANCE AND ALTERATION OF POWERS.

Powers may be varied or cancelled.

54. The Local Government may vary or cancel any powers with which any person may have been invested under this Act or any enactment hereby repealed.

Powers of officer temporarily succeeding to vacancies in office of Magistrate of District.

55. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the district in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the ordinary powers and perform all the duties of the Magistrate of the District.

Continuance of powers of officers transferred.

56. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act or any enactment hereby repealed in any district, is transferred to an equal or higher office of the same nature within another district, he shall, unless the Local Government otherwise directs, continue to exercise the same powers in the district to which he is so transferred.

CHAPTER V.

OF PUBLIC PROSECUTORS.

Appointment of public prosecutor.

57. The Local Government may, if it thinks proper, appoint officers to be called public prosecutors.

Appointment may be for particular case or generally.

58. Public prosecutors may be appointed either for a particular case, or for particular classes of cases, or for all cases throughout the whole or any part of any province.

Private persons may not act as prosecutors or employ counsel without permission of the Court.

59. Any Court inquiring into or trying any case may permit any person to conduct the case as prosecutor, but no person shall be entitled to do so without such permission. Any person permitted to prosecute may conduct the prosecution personally or by counsel.

He may plead in all Courts in cases under his charge.

Barristers, &c., privately instructed to be under his direction.

60. The public prosecutor may appear and plead without any written authority before all Courts in which any case under his charge is under inquiry, trial, or appeal, and if any private person instructs any barrister, attorney, pleader, or vakíl to prosecute any person in any case under the charge of the public prosecutor, the public prosecutor shall have the management of the case, and such other person shall act under his directions.

Effect of withdrawal of charge by public prosecutor.

61. The public prosecutor may, with the consent of the Court, withdraw any charge against any person in any case of which he is in charge, and upon such withdrawal, if it is made whilst the case is under inquiry, the person accused shall be discharged. If it is made when he is under trial, the person tried shall be acquitted.

Notice to public prosecutor of appeal in cases prosecuted by him.

62. If an appeal is brought in any case in which any person prosecuted by the public prosecutor has been convicted, notice of such appeal and a copy of

the grounds of appeal shall be given to such public prosecutor by the Appellate Court, and the Court shall also give him due notice of the time and place at which such appeal is to be heard.

CHAPTER VI.

THE PLACE OF INQUIRY AND TRIAL.

Place for inquiry and trial of offence.

63. Every offence shall be inquired into, and, if tried by a Magistrate, shall be tried in the district in which it was committed. If tried by a Court of Session it shall be tried by that Court of Session to which the Magistrate commits.

Magistrates shall ordinarily commit to the Court of Session for the Sessions Division in which the district to which they are appointed is situated, but the Local Government may direct that any cases or class of cases committed in any district may be tried in any Sessions Division.

High Court may transfer case or direct trial in district other than that in which offence was committed.

64. Whenever it appears to the High Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses, it may direct the transfer of any particular criminal case, or appeal, or class of cases or appeals from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction,

or may order that any offence shall be inquired into or tried in any district or division of a district, other than that in which the offence has been committed, or that it shall be tried before itself. If the High Court withdraws any case from any other Court for trial before itself, it shall observe the same procedure which that Court would have observed if the case had not been so withdrawn.

Accused triable in district where act is done, or where consequence ensues.

65. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried in any district in which any such thing has been done or any such consequence has ensued.

Place for trial where act is offence by reason of relation to other offence.

66. When an act is an offence by reason of its relation to any other act which is also an offence, a charge for the first-mentioned offence may be inquired into and tried either in the district in which it happened or in the district in which the offence with which it was so connected happened.

Illustrations.

(*a.*) A charge of abetment may be inquired into and tried either in the district in which the abetment was committed, or in the district in which the offence abetted was committed.

(*b.*) A charge of receiving or retaining stolen goods may be inquired into and tried, either in the district in which the goods were stolen, or in any district in which any of them were at any time dishonestly received or retained.

(*c.*) A charge for wrongfully concealing a person known to have been kidnapped may be inquired into and tried in the district in which the wrongful concealing or in the district in which the kidnapping took place.

Place for inquiry or trial where scene of offence is uncertain;

67. When it is uncertain in which of several districts an offence was committed; or

where an offence is committed partly in one district and partly in another; or

or not in one district only,

where the offence is a continuing one and continues to be committed in more districts than one, or

or offence is continuing,

or consists of several acts.

where it consists of several acts done in different districts,

it may be inquired into and tried in any one of any of such districts.

Illustrations.

(*a.*) An offence committed on a journey or voyage may be inquired into and tried in any district through which the person by whom the offence was committed, or the person against whom, or the thing on which, the offence was committed passed in the course of that journey or voyage.

(*b.*) An offence committed near the boundary between two districts may be inquired into and tried in either

(*c.*) A charge of being a thug or of having belonged to a gang of dacoits may be inquired into and tried wherever the person charged happens to be when the charge is made.

(*d.*) A charge of having escaped from custody may be inquired into and tried wherever the person charged happens to be when the charge is made.

(*e.*) A charge of criminal misappropriation or of criminal breach of trust may be inquired into and tried either in the district in which the property which is the subject of the offence was received, or in the district or districts in which the whole or any part of it has been misappropriated, or where the offence of criminal breach of trust has been wholly or partly committed.

Murder as a thug, dacoity or dacoity with murder.

68. The offence of murder as a thug, dacoity, or dacoity with murder may be inquired into and tried wherever the person accused may happen to be.

High Court to decide, in case of doubt, district where inquiry shall take place

69. Whenever any doubt arises as to the district in which any offence should be inquired into or tried, the High Court within whose jurisdiction the offender is apprehended may decide in which district the offence shall be inquired into or tried.

Effect, on sentence, of holding investigation, inquiry or trial in wrong district.

70. No sentence or order of any Criminal Court shall be liable to be set aside merely on the ground that the investigation, inquiry or trial was held in a wrong district or sessions division, unless it is proved or appears that the person accused was actually prejudiced in his defence, or the prosecutor in his prosecution by such error, in either of which cases a new trial may be ordered.

CHAPTER VII.

OF CRIMINAL JURISDICTION OVER EUROPEAN BRITISH SUBJECTS.

"European British subjects."

71. The expression "European British subjects" means in this Act—

(1.) All subjects of Her Majesty born, naturalized, or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American, or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal.

(2.) The children and grandchildren of any such person by legitimate descent.

Officers who may inquire into and try offences committed by European British subjects.

72. No Magistrate, or Justice of the Peace, or Sessions Judge shall have jurisdiction to inquire into a complaint or try a charge against a European British subject unless he is himself a European British subject.

Part II, C. VII, ss. 73—85.

No Magistrate shall have such jurisdiction unless he is a Magistrate of the 1st class and a Justice of the Peace.

No Justice of the Peace shall have such jurisdiction unless he is a Magistrate of the 1st class.

Who may hear complaints and issue process.

73. Any Magistrate who is authorized by law to entertain complaints, may entertain against European British subjects such complaints as he is authorized to entertain in the case of other persons.

If he issues any process for the purpose of compelling the appearance of any European British subject accused of an offence, such process must be returnable before a Magistrate competent to inquire into or try the case.

First class Magistrates being European British subjects, and Justices of the Peace, may inquire into complaints against European British subjects.

74. Any competent Magistrate may inquire into complaints of any offence made against a European British subject.

When such Magistrate may try, and extent of his jurisdiction.

If the offence complained of is a Magistrate's case and can be adequately punished by such Magistrate, he shall proceed as is hereinafter in this Code directed, according to the nature of the offence, and on conviction may pass on such European British subject any sentence warranted by law, not exceeding three months' imprisonment, or fine up to one thousand rupees, or both.

When commitment is to be to Court of Session.

75. When the offence complained of is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused person ought to be committed, commit him to the Court of Session.

When commitment is to be to High Court.

If the offence complained of is punishable with death or transportation for life, the commitment shall be to the High Court.

Jurisdiction of Court of Session.

76. Sessions Judges or Additional Sessions Judges, but not Assistant Sessions Judges, may pass on European British subjects any sentence warranted by law not exceeding one year's imprisonment, or fine, or both.

When Sessions Judge finds his powers inadequate.

If at any stage of the proceedings the Sessions Judge thinks the offence cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. The Sessions Judge may either himself bind over, or direct the committing Magistrate to bind over the prosecutor and witnesses to appear before such High Court.

Procedure when Sessions Judge is not an European British subject.

77. If the Sessions Judge of the Sessions division within which the offence is ordinarily triable be not a European British subject, the case shall be reported, by the Magistrate, as aforesaid, for the orders of the High Court.

Mode of conducting trials by Court of Session.

78. Trials of European British subjects before the Court of Session shall be conducted according to the provisions of chapter XIX.

In trials with assessors not less than half the number of assessors, and in trials by jury not less than half the number of jurors shall be European British subjects.

Appeal from conviction of such subject by Magistrate.

79. Any European British subject who is convicted by a competent Magistrate of any offence, may appeal either to the Court of Session or to the High Court.

Appeal from conviction by Court of Session.

80. Any European British subject who is convicted of any offence by any Court of Session, may appeal to the High Court.

Right of European British subject under detention to apply for order to produce his person.

81. Any European British subject who is detained in custody by any person, and who considers such detention unlawful, may apply to the High Court which would have jurisdiction over him in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the said High Court to abide such further order as may be made by it. The High Court, if it thinks fit, may, before issuing such order, inquire by affidavit, or otherwise, into the grounds on which it is applied for, and grant or refuse such application, or it may issue the order in the first instance, and when the person applying for it is brought before it, it may make such further order in the case as it thinks fit after such inquiry as it thinks necessary.

Procedure on such application.

The High Courts may issue such orders throughout the territories over which they have jurisdiction and over such other places as the Governor General in Council may direct.

Power of High Courts as to issue of writs.

82. The High Courts shall issue no writ of *habeas corpus*, mainprise, *de homine replegiando*, nor any other writ of the like nature beyond the Presidency towns.

Procedure on claim of European British subject to be dealt with as such.

83. When any person claims to be dealt with as a European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial, and such Magistrate shall on such statement decide whether he is or is not a European British subject, and shall deal with him accordingly, and if any such person is dissatisfied with such decision, the burden of proving that it was wrong shall be upon him. If the Magistrate decide that the accused person is not a European British subject, the trial shall proceed, but such decision shall form a ground of appeal.

Failure to plead status a waiver.

84. If a European British subject does not claim to be dealt with as such before the Magistrate, before whom he is tried or committed, he shall be held to have waived his privilege as such European British subject.

Trial of person not a European British subject under this chapter.

85. If a person who is not a European British subject is dealt with as such and does not object, the proceedings shall be valid.

Parts II, § III, C. VII —IX, ss. 86—93.

Procedure of High Courts.

86. All High Courts shall deal with proceedings against European British subjects outside of the Presidency towns in the manner in which they are empowered by this Act or by any other law in force for the time being to deal with the proceedings of Magistrates outside the Presidency towns, and not according to the law of England relating to the dealings of the superior Courts in England with the proceedings of Justices of the Peace in England.

The High Courts shall have the same powers with respect to the inquiries and charges against European British subjects as Courts of Session have with respect to inquiries and charges against other persons.

Proceedings against European British subjects to be regulated by this Act.

87. All Magistrates and Courts of Session proceeding against European British subjects under this chapter, shall proceed under the provisions of this Act and not according to the law of England relating to Justices of the Peace, and all the provisions of this Act, not inconsistent with the provisions of this chapter, shall apply to such proceedings.

Place of confinement.

88. European British subjects sentenced to imprisonment shall be confined in such places as the Local Government may either specially or generally appoint.

PART III.

OF THE POLICE

CHAPTER VIII.

OFFENCES OF WHICH INFORMATION MUST BE GIVEN TO THE POLICE, AND DUTY OF THE PUBLIC.

All persons to give information of certain offences.

89. Every person aware of the commission of any offence made punishable under sections one hundred and twenty-one, one hundred and twenty-one A, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-four A, one hundred and twenty-five, one hundred and twenty-six, one hundred and thirty, three hundred and two, three hundred and three, three hundred and four, three hundred and eighty-two, three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, three hundred and ninety-eight, three hundred and ninety-nine, four hundred and two, four hundred and thirty-five, four hundred and thirty-six, four hundred and forty-nine, four hundred and fifty, four hundred and fifty-six, four hundred and fifty-seven, four hundred and fifty-eight, four hundred and fifty-nine or four hundred and sixty of the Indian Penal Code, shall in the absence of reasonable excuse, the burthen of proving which shall lie upon such person, give information of the same to the nearest Police officer or Magistrate.

Landholders and others bound to report certain matters.

90. Every Village Headman, Village Watchman, owner or occupier of land, and every Native officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, is bound forthwith to communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, any information which he may obtain respecting—

(*a*) the residence of any notorious receiver or vendor of stolen property at the village of which he is headman or watchman, or in which he owns or occupies land, or collects rent or revenue, as the case may be;

(*b*) the resort to any place within the limits of such village of any person or persons known or reasonably suspected of being a thug or robber;

(*c*) the commission or intention to commit suttee or other non-bailable offence at or near such village;

(*d*) the occurrence of any sudden or unnatural death.

All persons to assist Magistrate and Police in certain cases.

91. Every person is bound to assist a Magistrate or Police officer demanding his aid in the prevention of a breach of the peace,

or in the suppression of a riot or an affray,

or in the taking of any other person whom such Magistrate or Police officer is authorized to arrest.

CHAPTER IX.

OF ARREST WITHOUT WARRANT.

When Police may arrest without warrant.

92. A Police officer may, without orders from a Magistrate and without a warrant, arrest,—

FIRST.—Any person who in the sight of such Police officer commits a cognizable offence.

SECONDLY.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

THIRDLY.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

FOURTHLY.—Any person who has been proclaimed either under this Act, or in a District or Police Gazette, or notification.

FIFTHLY.—Any person found with property in his possession which may reasonably be suspected to be stolen property.

SIXTHLY.—Any person who obstructs a Police officer while in the execution of his duty, or who escapes from lawful custody, and

SEVENTHLY.—Any person reasonably suspected of being a deserter from Her Majesty's Army or Her Majesty's Indian Army.

Person charged refusing to give his name and residence.

93. Any person known or suspected to have committed an offence for which a Police officer is not authorized to arrest without a warrant, and who refuses on demand of a Police officer to give his name and residence,

or gives a name or residence which there is reason to believe to be false,

may be detained by such Police officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Arrest of vagabonds.

94. An officer in charge of a Police-station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

or any person who is a reputed robber, house-breaker, thief, receiver of stolen property knowing it to be stolen,

or who is of notoriously bad livelihood.

Police to prevent certain offences.

95. Every Police officer shall prevent, and may interpose for the purpose of preventing, the commission of any cognizable offence.

Information of design to commit such offences.

96. Every Police officer receiving information of a design to commit any such offence, shall communicate such information to the Police officer to whom he is subordinate, and to any other officer whom it may concern to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

97. A Police officer knowing of a design to commit any such offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

Injury to public property.

98. A Police officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public property moveable or immoveable,

or to prevent the removal or injury of any public land-mark, or buoy or other mark used for navigation. If necessary such Police officer may detain the person doing such injury according to the provisions of section ninety-three

Ingress to be allowed into house entered by person of whom Police in search.

99. If there is reason to believe that any person liable to arrest under this chapter without a warrant, of whom a Police officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

100. If ingress to such house or place cannot be obtained under section ninety-nine, the Police officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to any Magistrate having jurisdiction.

If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police officer may make an entry into such house or place and search therein.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

101. A Police officer making an arrest under this chapter shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Procedure when Police officer deputes subordinate to arrest without warrant.

102. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested by such officer without a warrant, he shall deliver to the Police officer required to make the arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections ninety-one and one hundred and seventy-six to one hundred and eighty-two (inclusive) shall apply to every order in writing issued under this section.

Police may pursue offenders into other jurisdictions.

103. For the purpose of arresting any person accused of a cognizable offence, a Police officer may pursue any such person into the limits of another Police officer whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be in the same Province or not.

Detention of offenders attending Court.

104. Any person attending a Criminal Court, although not upon an arrest or summons on a charge made, may be detained by such Court for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a complaint made.

Of Arrest by Private Persons.

Arrest by private persons.

105. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence.

Arrest of deserters from British ships.

106. The master or mate of a British merchant ship may, either with or without the assistance of the Police, who are bound to aid if so required by such master or mate, arrest seamen or apprentices duly engaged, under the Statute 17 & 18 Vic., c. 104, or other law for the time being in force, who refuse to join or desert from the vessel in which they contracted to serve.

Such arrest shall only be made at the request and on the responsibility of such master or mate, who shall be required by the Police to accompany the arrested person, should he be apprehended, before the Magistrate having jurisdiction.

How to proceed with person arrested.

107. A private person making an arrest under this chapter shall forthwith make over the person to a Police officer, and in absence of a Police officer shall take such person to the nearest Police-station. The Police shall deal with such person according to the provisions of section ninety-two or ninety-three, as the case may be, and shall not arrest or detain him unless he appears to be liable to arrest or detention under the section applicable.

Offence committed in Magistrate's presence.

108. When any offence is committed in the presence of a Magistrate, he may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

CHAPTER X.

POWERS OF THE POLICE TO INVESTIGATE.

What offences Police officer may investigate.

109. An officer in charge of a Police-station may, without order of a Magistrate, investigate any offence cognizable by the Police.

What offences Police may not investigate.

110. A Police officer may not investigate an offence not cognizable by the Police without the order of a Magistrate of the 1st or 2nd class.

Saving of powers vested in Police by special or local law.

111. Nothing in section one hundred and ten shall be held to interfere with the exercise of any powers vested in a Police officer by any special or local law, or with the performance of any duty which is imposed upon a Police officer by any such special or local law.

Complaint to Police to be in writing.

112. Every complaint preferred to an officer in charge of a Police-station shall be reduced into writing, and shall be signed, sealed, or marked by the person making it; and the substance thereof shall be entered in a book to be kept by such officer in the form prescribed by the Local Government.

Complaint in non-cognizable cases.

113. If a complaint is preferred to an officer in charge of a Police-station of the commission within his local jurisdiction of an offence which is not cognizable by the Police, the Police officer shall enter the substance of it in the station diary, and shall refer the complainant to the Magistrate.

Upon information, &c., Police officer in charge of station to proceed in person or depute a subordinate.

114. If, from information or otherwise, an officer in charge of a Police-station has reason to suspect the commission within his local jurisdiction of an offence cognizable by the Police, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Police officers shall investigate offences committed within the local limits of their jurisdiction, but they may investigate offences committed outside of those limits in cases in which a Magistrate might, under the provisions of chapter VI, inquire into an offence not committed within his district.

No such proceeding shall at any stage be called in question on the ground that such offence was not committed within such officer's local jurisdiction.

Preliminary inquiry.

115. Such Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute any Magistrate subordinate to him, to proceed to hold a preliminary inquiry into or otherwise to dispose of such case in the manner provided in this Act.

Where local investigation dispensed with.

116. Provided that, when any complaint is made against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot, unless such local investigation appears to be necessary.

Where Police officer in charge sees no sufficient ground for investigation.

117. Provided that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction. Such report shall be submitted through such superior officer of Police as the Local Government shall, by general or special order, in that behalf appoint. Such superior officer may give such instructions to the officer in charge of the Police-station as he deems fit, and, after recording them on such report, shall transmit the papers without delay to the Magistrate having jurisdiction.

Police officer's power to summon witnesses.

118. An officer in charge of a Police-station or other officer making an investigation may, by an order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the statement of the complainant or otherwise, appears to be acquainted with the circumstances of any case which he is investigating, and such person shall attend as required and shall answer all questions relating to such case put to him by such officer:

Provided that no person shall be bound to answer any questions tending to criminate himself.

Oral examination of witnesses by Police.

119. An officer in charge of a Police-station, or other Police officer making an investigation, may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Such person shall be bound to answer all questions relating to such case put him by such officer other than questions criminating himself.

Proviso.

No statement so reduced into writing shall be signed by the person making it, nor shall it be treated as part of the record or used as evidence.

No inducement to be offered to confess.

120. No Police officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession, whether such person be under arrest or not.

But no Police officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

Police not to record statement or confession.

121. No Police officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence:

Proviso.

Provided that nothing in this section shall preclude a Police officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Powers of Magistrates to record statements and confessions.

122. Any Magistrate may record any statement made to him by any person, or any confession made to him by any person, accused of an offence by any Police officer or other person. Such statements shall be recorded in the manner hereinafter prescribed for recording evidence, and such confessions shall be taken in the manner provided in sections three hundred and forty-five and three hundred and forty-six, and shall, when recorded, be forwarded to the Magistrate by whom the case is tried or inquired into. No Magistrate shall record any such confession unless, upon inquiry, he has reason to believe that it was made voluntarily, and he shall make a memorandum at the foot of any such confession to the following effect:—

"Upon inquiry I believe that this confession was voluntarily made."

(Signed) A. B.,
Magistrate.

Investigation by Police.

123. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the officer in charge of the Police-station shall forward him under custody to the Magistrate having jurisdiction and shall bind over the complainants, if any, and all persons who appear to be acquainted with the circumstances of the case, to appear on a fixed day before such Magistrate, and to remain in attendance till otherwise directed.

When any subordinate Police officer has made any investigation under this chapter, he shall, if so required by the officer in charge of the Police-station, submit a report of such investigation to him, or he may do so without such requisition, and the officer in charge of the Police-station shall then proceed as if he had made the investigation himself.

Accused not to be detained by Police more than twenty-four hours without special authority.

124. No Police officer shall detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable; and such period shall not, in the absence of the special order of a Magistrate, exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

If the investigation has not been completed within twenty-four hours and no such special order has been passed, and if there are grounds for believing that the accusation is well founded, the officer in charge of the Police-station shall forward the accused person to the Magistrate having jurisdiction, with a statement of the offence for which he has been arrested.

A Magistrate authorizing detention under this section shall record his reasons for so doing.

If such order be given by a Magistrate other than the Magistrate of the District or of a division of a District, he shall forward a copy of his order with his reasons for making it to the Magistrate to whom he is subordinate.

Procedure of Police in case of deficient evidence.

125. If it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, such officer shall release the accused person on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate having jurisdiction. Such report shall be submitted through the superior officer of Police, mentioned in section one hundred and seventeen, who may, pending the orders of the Magistrate, give instructions as to the conduct of the investigation.

Daily record of proceedings.

126. A Police officer making an investigation under this chapter, shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his inquiry, the place or places visited by him, and a statement of the circumstances ascertained by his inquiry.

Any Criminal Court may send for the Police diaries of a case under inquiry or trial in such Court, and may use such diaries to aid it in such inquiry or trial. The prisoner and his agents shall not be entitled to call for them, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police officer, the provisions of the law relating to documents used for such purposes shall apply to them.

Report of Police officer.

127. The investigation shall be completed without unnecessary delay, and, as soon as it is completed, the Police officer making the same shall forward to the Magistrate having jurisdiction a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the complaint, and the names of the persons who appear to be acquainted with the circumstances of the case and shall also send to such Magistrate any weapon or article which it may be necessary to produce before him.

The Police officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance.

If the accused person be detained in custody, the Police officer shall state the fact and the cause of his detention.

Admission to bail.

128. A person accused of any non-bailable offence shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him.

But a person accused of any bailable offence shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive.

129. The bail to be taken under section one hundred and twenty-eight shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person before the Magistrate on or before a fixed day, and from day to day, until otherwise directed, to answer the complaint.

Terms of Security.

Complainants and witnesses to execute recognizances to appear.

130. Every complainant and other person acquainted with the facts and circumstances of the case whose attendance before the Magistrate having jurisdiction is deemed necessary

by the Police officer making the investigation, shall execute a recognizance in the Form (F) given in the second schedule hereto, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

If the Court of the Magistrate of the District or of a Magistrate of a division of a District be inserted in the bond, it shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided notice be given to such complainant or witness.

Such day shall be the day whereon the accused person is to appear, if he has been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed shall, after delivering to the complainant or one of the witnesses a duplicate thereof, send it with his report to such Magistrate.

No Police officer shall, except as provided in the next following section, accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

Complainants and witnesses not to be subjected to restraint.

131. A Police officer shall not subject any complainant or witness to restraint or unnecessary inconvenience, nor require him to give any other security for his appearance than his own recognizance.

Recusant complainant or witness may be forwarded in custody.

But if any complainant or witness refuses to attend, or to execute the recognizance directed in section one hundred and thirty, the officer in charge of a Police-station may forward him under custody to the Magistrate having jurisdiction, who may detain him in custody until he executes such recognizance, or until the hearing.

Police to report apprehensions.

132. Officers in charge of Police-stations shall report to the Magistrate of the District, or the Magistrate of a division of a District, the cases of all persons apprehended within the limits of their respective stations, or detained under section ninety-three, whether such persons have been admitted to bail or otherwise, under whatever law such persons may have been arrested.

Discharge of person apprehended.

No person who has been apprehended by a Police officer shall be discharged, except on bail or on his own recognizance, or under the special order of a Magistrate.

Police to inquire and report on unnatural and sudden deaths.

133. The officer in charge of a Police-station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate duly authorized, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make investigation, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate of the District or to the Magistrate of a division of a District.

When there is any doubt regarding the cause of death, the Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay, the Head of the village may also in like manner make the investigation and report to the nearest Magistrate authorized to entertain complaints.

Power to summon persons.

134. An officer in charge of a Police-station may, by an order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of such death. Any person so summoned shall be bound to attend and to answer all questions (other than questions which would criminate him).

If the facts do not disclose a cognizable offence to which section one hundred and twenty-seven is applicable, such persons shall not be required by the Police officer to attend a Magistrate's Court.

Inquiry into cause of such death by nearest Magistrate.

135. The nearest Magistrate duly authorized may hold an inquiry into the cause of any such death either instead of or in addition to the investigation held by the Police officer, and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence, although no specific charge has been made against any person. The Magistrate holding such an inquiry shall record the evidence taken upon it in any of the manners hereinafter prescribed, according to the circumstances of the case.

Substitute for officer in charge of Police-station during his absence or illness.

136. The powers to be exercised by an officer in charge of a Police-station under this chapter shall be exercised, in the event of his absence from the station-house or illness, by the Police officer next in rank present at the Police-station, above the rank of a constable.

Powers of superior officers of Police.

137. Officers of Police superior in rank to officers in charge of a Police-station may exercise the same powers throughout their local jurisdictions as may be exercised by officers in charge of stations within the limits of such stations.

Assistant District Superintendent of Police may exercise powers of District Superintendent.

138. For the purposes of this Act, an Assistant District Superintendent of Police may exercise any of the powers of a District Superintendent of Police subject to the control of such District Superintendent of Police, or, in absence of the District Superintendent of Police and the Assistant District Superintendent, the senior officer of Police on the spot may be directed by the Magistrate of the District to exercise the powers of a District Superintendent of Police.

Part IV, C. XI, ss. 139—150.

PART IV.

OF PROCEEDINGS TO COMPEL APPEARANCE.

CHAPTER XI.

OF COMPLAINTS TO A MAGISTRATE.

Processes.

139. Proceedings to compel the appearance before a Magistrate of persons accused or suspected of offences, who have not been arrested without warrant, may be by summons or by warrant.

When summons or warrant may be issued.

140. A summons or a warrant may be issued—

(*a.*) Upon information or report by a Police officer.

(*b.*) Upon a complaint by a private person.

(*c.*) Upon suspicion entertained by a Magistrate that an offence has been committed.

Who may entertain complaints.

141. The Magistrate of the District,

any Magistrate of a division of a District, or

any Magistrate duly empowered in that behalf in any case which he is competent to try or to commit for trial,

may entertain a complaint of an offence whether preferred directly by the complainant, or on report of a Police officer, and may issue process in the manner hereinafter prescribed to compel the appearance of persons accused of such offences.

Who may act without complaint.

142. The Magistrate of the District,

any Magistrate of a division of a District,

or any Magistrate duly empowered in that behalf,

may, without any complaint, take cognizance of any offence which he suspects to have been committed, and may issue process in the manner hereinafter prescribed to compel the appearance before him of persons whom he suspects to have committed any such offence.

Nothing in this or in the last preceding section shall be held to authorize a Magistrate to entertain a complaint of an offence without sanction where such offence, by any law in force, may not be entertained without sanction.

Who may commit for trial.

143. The Magistrate of the District,

any Magistrate of a division of0a District,

any Magistrate of the 1st class, or,

any Magistrate duly empowered in that behalf,

may commit any person to the Sessions for any offence triable by such Court.

Examination of complainant.

144. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made to a Magistrate, such Magistrate, if he is competent to receive such complaint, shall examine the complainant.

The examination shall be reduced into writing in a summary manner and signed by the complainant, and also by the Magistrate.

Procedure by Magistrate not empowered to hear complaint.

145. If the Magistrate be not competent to receive the complaint, he shall refer the complainant to a Magistrate having jurisdiction.

Postponement of issue of process.

146. If the Magistrate sees cause to distrust the truth of a complaint, he may postpone the issuing of process for compelling the attendance of the person complained against, and direct a previous inquiry or investigation to be made into the truth of the complaint, either by means of any officer subordinate to such Magistrate, or of a local Police officer, or in such other mode as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such inquiry or investigation is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police officer, such person shall exercise all the powers conferred by this Act on an officer in charge of a Police-station, except that he shall have no power to make an arrest.

Dismissal of complaint.

147. The Magistrate before whom such complaint is duly made may, if in his judgment there is no sufficient ground for proceeding, dismiss the complaint.

Issue of process.

If it appears to such Magistrate that there is sufficient ground for proceeding, he shall, if the case appears to be a summons case, issue his summons, or, if the case appears to be a warrant case, his warrant, for causing the person accused to appear before himself or some other Magistrate having jurisdiction.

On complaint summons may issue.

148. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected of having committed, any offence triable by such Magistrate and punishable with fine only or with imprisonment for a period not exceeding six months, or both, the Magistrate may issue his summons directed to such person requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

If the Magistrate believes that the accused person is about to abscond, he may, instead of issuing a summons, issue a warrant in the first instance for the arrest of such person.

In what cases warrant may issue on complaint.

149. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected of having committed, any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months,

or when a complaint is made before any Magistrate empowered to commit persons for trial before the Court of Session that any person has committed, or is suspected of having committed, any offence triable exclusively by the Court of Session, or which in the opinion of such Magistrate ought to be tried by the Court of Session,

such Magistrate may issue his warrant to arrest such person, or, if he thinks fit, his summons requiring him to appear to answer such complaints.

Warrant to arrest if summons not obeyed.

150. If the person served with a summons does not appear before the Magistrate at the time mentioned in such summons, and the Magistrate is satisfied that such summons was duly served in what the Magistrate deems a reasonable time before the time therein appointed for appearing to the same,

or if it appears to the Magistrate that, after due diligence, the summons could not be served according to the provisions of this Act,

the Magistrate may issue his warrant to apprehend the accused person.

Magistrate may dispense with personal attendance of accused.

151. In cases, of whatever nature, in which the Magistrate thinks fit to issue a summons the Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the accused person and permit him to appear by an agent duly authorized to act in his behalf.

But it shall be in the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of the accused person.

CHAPTER XII.

Of the Summons.

Form of summons.

152. Every summons issued by a Magistrate to an accused person shall be in writing (in duplicate) and shall be signed and sealed by such Magistrate, and shall be in the Form (A) given in the second schedule to this Act, or to the like effect.

Summons by whom served.

153. A summons shall ordinarily be served through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Summons how served.

154. The summons shall be served on the accused personally, in any district where he may be, by exhibiting one of the copies and delivering or tendering the other copy to him, or, in case the accused person cannot be found, the copy may be left for him with some adult male member of his family residing with him, and the person summoned or the person with whom the copy is left shall sign a receipt therefor.

Service when accused cannot be found.

155. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

Issue of warrant in addition to summons.

156. A Magistrate may (notwithstanding the issue of such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Summons or warrant for offence committed beyond local jurisdiction.

157. The Magistrate of the District, a Magistrate of a division of a District, or a 1st class Magistrate duly authorized in that behalf, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Provisions in this chapter as to form, service and issue of summons applicable to all summonses.

158. The provisions relating to a summons and its issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of he office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

CHAPTER XIII.

Of the Warrant.

Form of warrant.

159. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the Form (B) given in the second schedule to this Act, or to the like effect.

Magistrate may direct bail to be taken.

160. It shall be in the discretion of a Magistrate, in issuing a warrant for the arrest of any person to direct by endorsement on the warrant that, if he be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release from custody the person complained against.

Bail-bond to be forwarded.

If bail is given, the officer shall forward the bail-bond to the Magistrate.

Warrants to whom directed.

161. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if immediate execution be necessary and no Police officer be immediately available, direct it to any other person.

Warrant may be directed to landholders, &c.

162. The Magistrate of the District may direct a warrant or warrants to landholders, farmers or managers of land for the arrest of any escaped convict, proclaimed offender, or person who has been accused of a non-bailable offence, but who has eluded pursuit.

Such landholder or other person shall acknowledge the receipt of the warrant and shall be bound to execute it should the person for whose arrest it was issued enter on or be in his estate, farm or charge.

Should the person against whom the warrant is issued be arrested, he shall be made over to the nearest Police officer with the warrant, and such Police officer shall cause such accused person to be carried before the Magistrate having jurisdiction unless bail may be and is taken under section one hundred and sixty.

Warrants directed to any person other than a Police officer.

163. When a warrant is directed to a person other than a Police officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed is near at hand and acting in the execution of the warrant.

164. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

Warrant to several persons.

165. A warrant directed to a Police officer may also be executed by any other Police officer whose name is endorsed upon the warrant by the officer to whom the warrant is directed or endorsed.

Warrant directed to Police officer.

166. The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate issuing warrant may superintend its execution.

The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

Arrest in presence of Magistrate.

167. A warrant issued by a Magistrate shall ordinarily be executed in the district in which it was issued.

Where warrant may be executed.

But if the person against whom the warrant is issued escapes, goes into, or is in any place out of the district in which the warrant was issued, the warrant may be executed in such place.

168. A Magistrate may direct a warrant to be executed outside his local jurisdiction either after endorsement by a Magistrate within whose local jurisdiction it is to be executed or without such endorsement.

Magistrate may issue warrant for execution in places outside his jurisdiction.

If the warrant is to be endorsed it may be sent by post to the Magistrate within whose local jurisdiction it is to be executed and by whom it is to be endorsed.

If the warrant is not to be endorsed, it shall be entrusted to a Police officer, to be taken either to the Magistrate or to a Police officer (not below the rank of an officer in charge of a station) in whose local jurisdiction the warrant is to be executed.

169. If a warrant be executed, whether with or without endorsement, outside the district in which it was issued, the person arrested shall, unless the Magistrate who issued the warrant be within twenty miles or be nearer than the Magistrate in whose local jurisdiction the arrest was made, or unless bail be taken under section one hundred and sixty, be carried before the Magistrate in whose local jurisdiction the arrest was made.

Procedure on arrest of person against whom warrant was issued.

170. A Magistrate or Police officer to whom a warrant is directed for execution shall execute the same or cause it to be executed, and any Magistrate before whom a person is brought under the provisions of section one hundred and sixty-nine shall, if the person apprehended appear to be the person intended by the Magistrate who issued the warrant, direct his removal in custody to the Magistrate who issued the warrant,

Procedure by Magistrate before whom arrested person is brought.

or, if the offence be bailable, and he be ready and willing to give bail, shall take bail for his appearance before the Magistrate who issued the warrant, to whom the recognizance or bail-bond shall be forwarded.

In this section the word Magistrate includes a Commissioner of Police and a Magistrate of Police in the Presidency towns.

171. If any person accused of an offence not coming within section one hundred and forty-eight absconds or conceals himself, so that, upon a warrant issued against him, he cannot be found, the Magistrate having jurisdiction shall, if satisfied that he absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring him to appear to answer the complaint within a fixed period not less than thirty days.

Proclamation for person absconding.

The proclamation shall be publicly read in some conspicuous place of the town or village in which the accused person usually resides, and shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous place of such town or village.

A copy of the proclamation shall also be affixed on some conspicuous part of the Magistrate's Court-house.

A statement by the Magistrate to the effect that the proclamation was duly made shall be conclusive evidence of due compliance with the law.

172. The Magistrate of the District may, on a report from the Magistrate who has issued the proclamation, order the attachment of any property, moveable or immoveable, or both, belonging to the person absconding or concealing himself.

Attachment of property of person absconding.

Such order shall authorize the attachment of any property within the jurisdiction of the Magistrate by whom it was made, and it shall authorize the attachment of any property without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

The attachment under this section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and, in all other cases, by seizure under the order of the Magistrate of the District, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as such Magistrate deems proper.

If the absent person does not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six months, unless it is of a perishable nature, or such Magistrate considers that the sale would be for the benefit of the owner.

173. When any person whose property has been declared to be at the disposal of Government under section one hundred and seventy-two, appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Session or High Court trying him for the offence of which he was accused, or, if not tried in, or committed for trial for that offence to either of those Courts, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same has been sold, the proceeds thereof, shall be restored to him.

Restoration of forfeited property.

Magistrate's procedure on arrest under his own warrant for offence committed out of his jurisdiction.

174. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of section one hundred and fifty-seven, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the inquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable.

When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the High Court.

Procedure where such warrant issued by Subordinate Magistrate.

175. If the arrest was made under a warrant issued under section one hundred and fifty-seven by a Magistrate other than the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence is suspected to have been committed issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence of which the person arrested is suspected has been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under section one hundred and fifty-seven shall send the person arrested to the Magistrate of the division of the district in which the offence was committed.

Notification of substance of warrant.

176. A Police officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Warrant how executed.

177. In making an arrest, the Police officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

178. If a person against whom a warrant of arrest is issued forcibly resists the endeavour to arrest him, the Police officer or other person executing the warrant may use all means necessary to effect the arrest.

Search of house entered by person against whom warrant issued.

179. If there is reason to believe that any person against whom a warrant has been issued has entered into, or is within, any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police officer or other person executing the warrant, to allow such Police officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Breaking of door or window.

180. The Police officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open zenana.

181. If information be received that a person accused of any offence for which a warrant may issue is concealed in an apartment in the actual occupancy of a woman who according to the customs of the country does not appear in public, the Police officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person.

If the accused person does not deliver himself up, the Police officer or other person authorized to execute the warrant may notify his authority and purpose, and demand admittance.

If after such notification and demand he cannot otherwise obtain admittance, he shall give notice to any woman as aforesaid in such apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and afford her every reasonable facility for withdrawing, and may then break open the apartment and execute the warrant.

No unnecessary restraint.

182. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Person arrested to be brought before Magistrate.

183. The officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

Inducements to disclosure or confession.

184. No Police officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure..

But no Police officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

Provisions as to warrant and its execution and issue applicable to all warrants of arrest.

185. The provisions relating to a warrant and its execution contained in this chapter, shall be applicable to every warrant of arrest issued under this Act.

PART V.

OF INQUIRIES AND TRIALS.

CHAPTER XIV.

PRELIMINARY.

Right of accused to be defended.

186. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders.

Part V, C. XIV and XV, ss. 187 —197.

Any such person may, with the permission of the Court (but not otherwise), employ any mukhtár or other person not being a barrister, attorney, or pleader, to assist him in his defence.

Criminal Courts to be open.

187. The place in which the Court of a Magistrate is held for the trial of any complaint, or for the purpose of conducting any inquiry into any case triable by a Court of Session or the High Court or any Superior Court, and also every Court of Session and every High Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

But any such Court may, if it think fit, order that, during the inquiry into or trial of any particular case, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

Compounding offences.

188. In the case of offences which may lawfully be compounded, complainants may compound the offence out of Court, or in Court with the permission of the Court.

Such withdrawal from the prosecution shall have the effect of an acquittal of the accused person.

CHAPTER XV.

Of Inquiry into Cases triable by the Court of Session or High Court.

Procedure in preliminary inquiries.

189. The following procedure shall be adopted in inquiries before Magistrates in cases triable by a Court of Session or High Court.

Examination of complainant and witnesses for prosecution.

190. When the accused person appears or is brought before the Magistrate, or, if his personal attendance is dispensed with, when the Magistrate thinks fit, the Magistrate shall take the evidence of the complainant and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances.

Examination to be in presence of accused.

191. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his agent when his personal attendance is dispensed with and he appears by agent.

Accused may cross-examine.

The accused person or his agent shall be permitted to examine and re-examine his own witnesses and to cross-examine the complainant and his witnesses.

Power of Magistrate to summon and examine any person.

192. The Magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the inquiry, and re-call and re-examine any person already examined.

Examination of accused

193. The Magistrate may from time to time, at any stage of the inquiry and without previously warning the accused person, examine him, and put such questions to him as he considers necessary.

The accused person shall not render himself liable to punishment for refusal to answer such questions, but the Magistrate shall draw such inference as may to him seem just from such refusal.

Explanation.—The answer given by an accused person may be put in evidence against him, not only in the case under inquiry, but also in trials for any other offences his replies may tend to show he has committed.

Adjournment of inquiry and remand.

194. If from the absence of a witness or from any other reasonable cause, it becomes necessary or advisable to defer the examination, or further examination, of witnesses, the Magistrate may, by a written order, from time to time adjourn the inquiry, and remand the accused person for such time as is deemed reasonable, not exceeding fifteen days:

Provided that, instead of detaining the accused person in custody during the period for which he is so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

When accused person to be discharged.

195. When a Magistrate finds that there are not sufficient grounds for committing the accused person to take his trial before the Court of Session or High Court, or for remanding him, he shall discharge him, unless it appears to the Magistrate that such person should be put on his trial before himself, in which case he shall proceed under chapter XVI or XVII of this Act.

Explanation I.—The absence of the complainant, except when the offence may lawfully be compounded, shall not be deemed sufficient ground for a discharge, if there appear other evidence of a nature rendering a trial desirable.

Explanation II.—A discharge is not equivalent to an acquittal, and does not bar the revival of a prosecution for the same offence.

Explanation III.—An order of discharge cannot be made until the evidence of the witnesses named for the prosecution has been taken.

When accused is to be committed for trial.

196. When evidence has been given before a Magistrate which appears to justify him in sending the accused person to take his trial for an offence which is triable exclusively by the Court of Session or High Court, or which, in the opinion of the Magistrate, is one which ought to be tried by such Court, the accused person shall be sent for trial by such Magistrate before the Court of Session or High Court as the case may be.

When commitment to be to a High Court.

197. If the accused person (not being a European British subject)

has committed an offence conjointly with a European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge,

and the evidence appears to justify the Magistrate in sending the accused person for trial,

he shall commit such accused person to take his trial before such High Court and not before a Court of Session, and such High Court shall have jurisdiction to try such person.

Contents of charge.

198. When the Magistrate determines to send the accused person before the Court of Session or High Court for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct him to be tried by such Court on such charge. He shall also record his reasons for committing such accused person.

Copy of charge.

A copy of such instrument shall be forwarded with the record of the original inquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the public prosecutor or to the officer appointed to conduct the prosecution.

Any weapon or other article of property necessary to produce in evidence shall also be transmitted.

When a commitment is made to the High Court, such instrument, record, and such weapon or other article shall be forwarded to the Clerk of the Crown or other officer appointed by the Court, and if any part of such record is not in English, a translation thereof in English shall be forwarded therewith.

Copy of charge to be furnished to accused.

199. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read and explained to him, and a copy or translation thereof shall be furnished to him, if he so require.

List of witnesses for defence on trial.

200. The accused person shall be required at once to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or High Court.

Further list.

It shall be in the discretion of the Magistrate, subject to the provisions of section three hundred and fifty-nine, to allow the accused person to give in any further list of witnesses at a subsequent time.

Copies of depositions to be furnished to accused.

201. When the inquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions. Such copies shall be made at his expense unless the Magistrate see fit to give them free of cost.

When commitment made, Magistrate to give notice to Government prosecutor.

202. When the accused person is committed to take his trial before the Court of Session or High Court, the Magistrate shall issue an order to the public prosecutor, Government Pleader or other person appointed by the Government to conduct prosecutions before the Court of Session or High Court, notifying such commitment, and stating the offence in the same form as the charge.

Nothing in this section shall preclude the Magistrate of the District in a case committed to the Court of Session, if he thinks fit, from appointing a person other than such Government Pleader or officer to conduct the prosecution.

CHAPTER XVI.

OF THE TRIAL OF SUMMONS CASES BY MAGISTRATES.

Procedure in summons cases.

203. The following procedure shall be observed in the trial of summons cases.

Accused person may be admitted to bail or allowed to be at large on his personal recognizance.

204. If upon the day appointed, the accused person appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Magistrate by virtue of a warrant or otherwise, it shall be at the discretion of the Magistrate to admit him to bail, or allow him to be at large upon his personal recognizance, as the Magistrate directs.

If the accused person cannot give bail, when required to do so, he shall be committed to custody.

Non-appearance of complainant.

205. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint, unless for some reason he thinks proper to adjourn the hearing of the same to some other day, upon such terms as he thinks fit.

Substance of complaint to be stated.

206. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted.

Conviction on admission of truth of complaint.

If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Procedure when no such admission is made.

207. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he produces in support of his complaint, and also to hear the accused person and such witnesses as he produces in his defence.

Adjournment.

208. Before or during the hearing of any complaint, the Magistrate may adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties.

If on the day to which such hearing or such further hearing has been so adjourned, the accused person does not appear, the Magistrate may issue his warrant for the arrest of such person.

If the complainant does not appear the Magistrate may dismiss the complaint.

Compensation in cases of frivolous or vexatious complaints.

209. A Magistrate may dismiss the complaint as frivolous or vexatious, and may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable.

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them.

Recovery of such compensation.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may

be found within the jurisdiction of the Magistrate of the District, and such order shall authorize the distress and sale of any moveable property belonging to the complainant without the jurisdiction of the Magistrate of the District when the order has been endorsed by the Magistrate of the District in which such property is situated, and, in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum is sooner paid.

Withdrawal of complaint.

210. If a complainant at any time before a final order is passed in any case under this chapter satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw it.

A complaint withdrawn under this section shall not again be entertained.

Acquittal.

211. If the Magistrate, in any case tried under this chapter, finds the accused person not guilty, he shall record a judgment of acquittal.

Sentence.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the agent, if the accused person has been permitted to appear by agent, or the accused person may be required to attend to hear such sentence.

Effect of dismissal.

212. The dismissal of a complaint under this chapter shall operate in like manner as the acquittal of the accused person.

CHAPTER XVII.

OF THE TRIAL OF WARRANT CASES BY MAGISTRATES.

Procedure in warrant cases.

213. The following procedure shall be observed by Magistrates in the trial of warrant cases.

Sections 190 to 194 to apply.

214. The provisions of sections one hundred and ninety to one hundred and ninety-four (both inclusive) shall apply to trials conducted under this chapter.

Discharge of accused.

215. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate considers necessary, have been taken, the Magistrate, if he finds that no offence has been proved against the accused person, shall discharge him.

EXPLANATION I.—The absence of the complainant, except where the offence may be lawfully compounded, shall not be deemed sufficient ground for a discharge, if there appears other evidence sufficient to substantiate the offence.

EXPLANATION II.—A discharge is not equivalent to an acquittal and does not bar the revival of a prosecution for the same offence.

EXPLANATION III.—An order of discharge cannot be passed until the evidence of the witnesses named for the prosecution has been taken.

Charge to be drawn when offence is apparently proved.

216. If the Magistrate finds that an offence is apparently proved against the accused person, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall prepare in writing a charge against the accused person.

EXPLANATION I.—The omission to prepare a charge shall not invalidate the trial, if, in the opinion of the Court of appeal or revision, the accused person has not been prejudiced.

EXPLANATION II.—If the Court of appeal or revision thinks that the accused person has been prejudiced by an omission to prepare a charge, it shall order the trial to be recommenced from the point at which the charge should have been drawn up.

Plea.

217. The charge shall then be read and explained to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Defence.

218. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Evidence for the defence.

219. The Magistrate shall, subject to the provisions of section three hundred and sixty-two, summon any witness and examine any evidence that may be offered in behalf of the accused person, to answer or disprove the evidence against him, and may for this purpose, at his discretion, adjourn the trial from time to time, as may be necessary.

Acquittal.

220. If the Magistrate finds the accused person not guilty, he shall record judgment of acquittal.

Conviction.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

How the Magistrate is to proceed when, after commencement of trial, he finds the case beyond his jurisdiction.

221. In any trial before a Magistrate, in which it may appear at any stage of the proceedings that from any cause the case is one which the Magistrate is not competent to try, or one which, in the opinion of such Magistrate, ought to be tried by the Court of Session or High Court, the Magistrate shall stop further proceedings under this chapter, and shall commit the prisoner under the provisions hereinbefore contained. If such Magistrate is not empowered to commit he shall proceed under section forty-five.

CHAPTER XVIII.

OF SUMMARY TRIALS.

What offences may be tried summarily.

222. The Magistrate of the District may try the following offences in a summary way, and, on conviction of the offender, may pass such sentence as may be lawfully inflicted under section twenty of this Code :—

(1). Offences referred to in section one hundred and forty-eight of this Code.

(2). Offences relating to weights and measures under sections two hundred and sixty-four, two

hundred and sixty-five, and two hundred and sixty-six of the Indian Penal Code.

(3). Hurt under section three hundred and twenty-three of the Indian Penal Code.

(4). Theft under section three hundred and seventy-nine of the Indian Penal Code, where the property stolen does not exceed fifty rupees in value.

(5). Theft under section three hundred and eighty of the Indian Penal Code, where the property stolen does not exceed fifty rupees in value.

(6). Theft under section three hundred and eighty-one of the Indian Penal Code, where the property stolen does not exceed fifty rupees in value.

(7). Receiving stolen property under section four hundred and eleven of the Indian Penal Code.

(8). Mischief under section four hundred and twenty-seven of the Indian Penal Code.

(9). House-trespass under section four hundred and forty-eight of the Indian Penal Code.

(10). Criminal intimidation under sections five hundred and four and five hundred and six of the Indian Penal Code.

Power to invest Magistrates with power to try summarily.

223. The Local Government may invest any Magistrate of the 1st class with power to try summarily all or any of the offences mentioned in section two hundred and twenty-two.

Power to invest Bench of Magistrates exercising 1st class magisterial powers.

224. The Local Government may invest any Bench of Magistrates exercising the powers of a Magistrate of the 1st class, with power to try summarily all or any of the offences mentioned in section two hundred and twenty-two.

Power to invest Bench of Magistrates exercising less power.

225. The Local Government may invest any Bench of Magistrates exercising the powers of a Magistrate of the 2nd or 3rd class with power to try summarily all or any of the following offences :—

Offences coming within sections two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine, two hundred and eighty-five, two hundred and eighty-six, two hundred and eighty-nine, two hundred and ninety, two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-four, three hundred and twenty-three, three hundred and thirty-four, three hundred and thirty-six, three hundred and forty-one, three hundred and fifty-two, four hundred and twenty-six, and four hundred and forty-seven of the Indian Penal Code; any offences against Municipal Acts, and the Conservancy Clauses of Police Acts punishable with fine or with imprisonment not exceeding one month.

Procedure for summons and warrant cases applicable with certain exceptions.

226. In trials under this chapter the provisions of this Code in regard to summons cases shall be followed in respect of summons cases, and the procedure for warrant cases in respect of warrant cases, with the exceptions hereinafter provided.

Record in cases where there is no appeal.

227. In cases where no appeal lies, the Magistrate need not record the evidence of the witnesses nor the reasons for passing the judgment, nor draw up a formal charge, but he shall enter in a register, to be kept for the purpose, the following particulars :—

(*a*) The serial number;

(*b*) The date of the commission of the offence;

(*c*) The date of the report or complaint;

(*d*) The name of the complainant;

(*e*) The name, parentage and residence of the accused person;

(*f*) The offence complained of or proved;

(*g*) The prisoner's plea;

(*h*) The finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) The sentence; and

(*j*) The date on which the proceedings terminated.

Record in appealable cases.

228. If a Magistrate or Bench of Magistrates acting under section two hundred and twenty-two passes a sentence of more than three months' imprisonment, or of fine exceeding two hundred rupees;

or if a Bench of Magistrates, acting under section two hundred and twenty-five, convicts any person,

such Magistrate or Bench of Magistrates shall, before passing sentence, record a judgment embodying the substance of the evidence on which the conviction was had, and also the particulars mentioned in section two hundred and twenty-seven.

Such judgment shall be the only record in cases coming within this section.

Language of judgment.

229. Records made under section two hundred and twenty-seven and judgments recorded under the provisions of section two hundred and twenty-eight shall be written by the presiding officer, either in English or in the language of the district in which the trial was held, or, by direction of the Court to which such presiding officer is immediately subordinate, in the language of the presiding officer.

Bench of Magistrates may be empowered to employ Clerk.

230. The Local Government may authorize any Bench of Magistrates to prepare the aforesaid record or judgment by means of an officer of such Court, and the record or judgment so prepared shall be signed by each member of the Bench present conducting the proceedings.

CHAPTER XIX.

Trial by Court of Session.

Cognizance of offences by Court of Session in original jurisdiction.

231. Except in the cases referred to in section four hundred and seventy-two, no Court of Session shall take cognizance of any offence as a Court of original criminal jurisdiction, unless the accused person has been committed by a Magistrate duly empowered in that behalf.

Trials to be by jury or with assessors.

232. All trials before the Court of Session shall be either by jury, or conducted with the aid of two or more assessors.

Local Government may order trials before Court of Session to be by jury.

233. The Local Government may order that the trial of all offences, or of any particular class of offences, before any Court of Session shall be by jury in

any District, and such Local Government may from time to time revoke or alter such order.

Orders passed under this section shall be published in the official Gazette, and in such other manner as the Local Government from time to time directs.

EXPLANATION.—If an offence triable with assessors is tried by a jury, the trial shall not be invalid. If an offence triable by a jury is tried with assessors, the trial shall not be invalid, unless objection be taken before the Court records its finding.

Jury for trial of Europeans or Americans.

234. Criminal trials before the Court of Session in which a European (not being a European British subject) or an American is the accused person, or one of the accused persons, shall be by jury.

In such case the jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether European British subjects or not) or Americans, if such a jury can be procured:

Election to be tried without jury.

Provided that, in any District in which the Local Government has not ordered that all trials, or trials for all offences of the class within which the trial about to take place falls, shall be by jury, such European or American may elect to be tried without jury.

Trial before Court of Session to be conducted by Government Pleader.

235. In every trial before a Court of Session, the prosecution shall be conducted by the Public Prosecutor, Government Pleader or by some other officer specially empowered by the Magistrate of the District in that behalf.

Number of jury.

236. In trials by jury before the Court of Session, the jury shall consist of such uneven number, not being less than three nor more than nine, as the Local Government, by any general order applicable to any particular District or to any particular classes of offences in that District, directs.

Commencement of trial.

237. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Plea of guilty.

If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Refusal to plead or claim to be tried.

238. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed, and to try the case.

Assessors how chosen.

239. When the trial is to be with assessors, the assessors shall be chosen, as the Judge thinks fit, from the persons summoned to act as assessors.

Jurors to be chosen by lot.

240. When the trial is to be by jury, the jury shall be chosen by lot from the persons summoned to act as jurors.

Jury for trial of persons not Europeans or Americans.

241. In a trial by jury before the Court of Session of a person not being a European or an American, at least one-half of the jury, if the accused person desire it, shall consist of persons who are neither Europeans nor Americans.

Jury when European or American charged jointly with one of another race.

242. In any case before the Court of Session, in which a European or American is charged jointly with a person of any other race, such other person shall, if he desire it, be tried separately if the European or American claims to be tried by a jury consisting of at least one-half of Europeans and Americans.

Names of jurors to be called.

243. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused person shall be asked if he objects to be tried by such juror.

Objections to jurors.

Objection may then be made to such juror by the accused person or by the Public Prosecutor, Government Pleader, or other person appointed to conduct the prosecution, and the grounds of objection shall be stated.

Any objection made to a juror shall be decided by the Court, and the decision of the Court shall be final.

If an objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons, or, if there be no such juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such juror or other person be made and allowed.

Grounds of objection.

244. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(1) any ground of disqualification within section four hundred and five;

(2) standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused;

(3) being in the employment of either of such persons;

(4) being plaintiff or defendant against either of such persons in any civil suit;

(5) having complained against, or having been accused by, either of such persons in any criminal prosecution;

(6) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, either of such persons, or which renders such person improper as a juror.

Juror to understand the language in which evidence is given or interpreted.

245. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

Foreman of jury.

246. When the jury has been completed, they shall appoint one of their number to be foreman.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, or to ask any information from the Court that may be required by the jury.

If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

Examination of witnesses.

247. The witnesses shall then be examined, cross-examined and re-examined according to the law for the time being relating to the examination of witnesses.

Examination of accused before Magistrate to be evidence.

248. The examination of the accused person before the committing Magistrate shall be given in evidence at the trial.

Evidence given at the preliminary inquiry admissible.

249. When a witness is produced before the Court of Session, or High Court, the evidence given by him before the committing Magistrate may be referred to by the Court, and the Court may, if it think fit, ground its judgment thereon, although the witnesses may at the trial make statements inconsistent therewith.

EXPLANATION.—This section shall not authorize the Court to refer to the record of the evidence given by a witness who is absent except in the cases in which such evidence may be referred to under the Indian Evidence Act or other law in force for the time being upon the subject of evidence.

Examination of accused.

250. The Court may from time to time at any stage of the trial, examine the accused person, and shall question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

Defence.

251. When the examination of the witnesses for the prosecution and the examination of the accused person is concluded, the accused person shall be asked whether he means to call witnesses. If he says that he does not, the prosecutor may sum up his case. The Court may then, if it thinks that there are no grounds for proceeding,

in a case tried with assessors, record a finding, or, in a case tried by a jury, instruct the jury to return a verdict of acquittal.

If the Court consider that there are grounds for proceeding, it shall call on the accused person to state his grounds of defence and produce his witnesses.

The accused person or his Counsel or Agent may then state the case for the defence, and may examine the witnesses, if any, produced for the defence, and at the conclusion of such examination may sum up his case.

Prosecutor's right of reply.

252. If any evidence is adduced on behalf of the accused person, the officer conducting the prosecution shall be entitled to reply.

View by jury or assessors.

253. Whenever, in the opinion of the Court, it is proper and convenient that the jury or assessors should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the inquiry in the trial took place, an order shall be made to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to the place which shall be shown to them by a person appointed by the Court.

Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and they shall, when the view is finished, be immediately conducted back into Court.

Procedure when juror becomes unable to attend.

254. If, in the course of a trial by jury at any time prior to the finding, any juror, from any sufficient cause, is prevented from attending through the trial,

or if any juror absents himself, and it is not possible to enforce his attendance,

a new juror shall be added, or the jury shall be discharged, and a new jury empanelled, and in either case the trial shall commence anew.

Assessors' opinion and charge to jury.

255. When the case for the defence and the prosecutor's reply, if any, are concluded, the Court shall proceed—

in cases tried with assessors, to ask the assessors their opinion, and shall record it:

in cases tried by jury, to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

A statement of the Judge's direction to the jury shall form part of the record.

Duty of Judge.

256. It is the duty of the Judge to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence or the propriety of questions asked by parties or their agents which may arise in the course of the trial; and in his discretion to prevent the production of inadmissible evidence whether it is or is not objected to by the parties;

to decide upon the meaning and construction of all documents given in evidence at the trial;

to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall be final.

The Judge may, if he thinks proper in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact relevant to the proceeding.

Illustrations.

(*a*.) It is proposed to prove a statement made by a person not called as a witness under circumstances which render evidence of his statement admissible.

It is for the Judge and not for the jury to decide whether the existence of those circumstances has been proved.

(*b*.) It is proposed to give secondary evidence of a document, the original of which has been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Duty of jury.

257. It is the duty of the jury—

(1) to decide upon all questions of fact submitted to them by the Judge at the trial, being guided in such decision by the statement of the law given to them by the Judge;

(2) to determine the meaning of all technical terms and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(3) to decide all questions declared by the Indian Penal Code, or any other law to be questions of fact;

Part V & VI, C. XIX & XX, ss. 258—269.

(4) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a.*) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b.*) The question is whether a person entertained a reasonable belief on a particular point. Whether work was done with reasonable skill, or due diligence.

Each of these is a question for the jury.

When juryman or assessor may be examined.

258. If a juryman or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be examined in the same manner as any other witness.

Procedure when assessor is unable to attend.

259. If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending through the trial, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

Jury or assessors to attend at adjourned sitting.

260. If a trial is adjourned, the jury or assessors shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Cases tried with assessors.

261. In cases tried with assessors, the Court shall proceed to pass judgment of acquittal or conviction, having considered the opinions of the assessors, but not being bound to conform to them. If the accused person is convicted, the Court shall proceed to pass sentence on him according to law.

Decision vested in Judge.

262. The opinion of each assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

Cases tried by juries.

263. In cases tried by jury, the jury may retire to consider their verdict. It shall be the duty of an officer of the Court not to suffer any person to speak to or hold any communication with any member of such jury. When the jury have considered their verdict, the foreman shall inform the Court what is their verdict, or what is the verdict of a majority.

Procedure where jury differ.

If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

If the Court does not think it necessary to dissent from the verdict of a majority of the jurors, it shall give judgment accordingly. If the accused person is acquitted, the Court shall record judgment of acquittal. If the accused person is convicted, the Court shall proceed to pass sentence on him according to law. If the Court disagrees with the verdict of the jurors or of a majority of such jurors, and considers it necessary for the ends of justice to do so, it may submit the case to the High Court, and may either remand the prisoner to custody or admit him to bail.

The High Court shall deal with the case so submitted as with an appeal, and if it convicts the accused person, it shall pass such sentence as might have been passed by the Court of Session.

Adjournment.

Postponement of trial.

264. The Court may, in its discretion, postpone the hearing of the case, and may from time to time adjourn the trial, if it considers that such adjournment is proper and will promote the ends of justice.

The same jury or assessors may try in succession several offenders.

265. The same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as to the Court seems fit.

PART VI.

APPEAL, REFERENCE, AND REVISION.

CHAPTER XX.—APPEALS.

Appeals from officers exercising powers less than those of a Magistrate of the 1st class.

266. Any person convicted on a trial held by any Magistrate of the 2nd or 3rd class, may appeal to the Magistrate of the District or to a Magistrate of the 1st class who has been empowered by the Local Government to hear such appeals.

Appeals in bad livelihood cases.

267. Any person required by a Magistrate of the 1st class to give security for good behaviour under section five hundred and four or section five hundred and five may appeal to the Magistrate of the District.

Appeals from convictions by Civil Courts.

268. Any person convicted by any Civil, Criminal, or Revenue Court under Chapter XXXII of this Act, may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections two hundred and seventy-five, two hundred and seventy-seven, two hundred and seventy-eight, two hundred and eighty, two hundred and eighty-one and two hundred and eighty-two.

An appeal from such conviction by a Small Cause Court may be made to the Court of Session within whose Sessions Division such Court is situate.

Appeal from Magistrates.

269. Any person convicted on a trial held by the Magistrate of the District or other Magistrate of the 1st class may appeal to the Court of Session.

The appellant shall in every case give notice of appeal to the Magistrate of the District, who shall, if necessary, instruct the Public Prosecutor, Government Pleader or other officer empowered by Government or by the Magistrate to prosecute the case.

Appeals by persons convicted by officers invested under section 36.

270. Any person convicted on a trial held by any officer invested with the power described in section thirty-six, may appeal to the High Court, if it appear from the sentence awarded that such officer was in such trial exercising such special powers. No appeal in such case shall lie to the Court of Session.

Appeals from convictions of Assistant Sessions Judges.

Any person convicted by an Assistant Sessions Judge may appeal to the Sessions Judge if the sentence appealed against does not exceed three years' imprisonment.

A sentence of an Assistant Sessions Judge confirmed, under section eighteen, by the Sessions Judge may be appealed to the High Court.

Appeals by persons convicted by Session Court.

271. Any person convicted on a trial held by a Sessions Judge may appeal to the High Court.

The appeal may be on a matter of fact as well as on a matter of law.

If the conviction was in a trial by jury, the appeal shall be admissible on a matter of law only.

If the person be sentenced to death, the Session Court shall inquire whether he wishes to appeal, and if the convict signifies his intention to appeal, the Court shall delay the transmission of the reference, hereinafter required, for a reasonable time, not exceeding seven days, to allow of the appeal and reference being made at the same time.

When it appears that the execution of the sentence should not be delayed, the Session Court may record its reasons and forward the reference at once.

In no case requiring confirmation shall the High Court grant a longer delay than is herein allowed, and where the reasons given by the Session Court are sufficient, the High Court shall decide the case in the absence of an appeal.

No appeal in case of acquittal, except on behalf of Government.

272. The Local Government may direct an appeal by the Public Prosecutor or other officer specially or generally appointed in this behalf from an original or appellate judgment of acquittal in any case which might have been appealed by the person convicted had a conviction been had; but in no other case shall there be an appeal from a judgment of acquittal passed in any Criminal Court.

Such appeal shall lie to the High Court, and the rules of limitation shall not apply to appeals presented under this section.

The High Court may direct a new trial by another Court, or may pass such judgment, sentence or order as may be warranted by law.

No appeal in petty cases.

273. There shall be no appeal in cases in which a Court of Session, or the Magistrate of a District or other Magistrate of the 1st class, passes a sentence of imprisonment not exceeding one month, or of fine not exceeding fifty rupees, or of whipping.

There shall be no appeal from a sentence of imprisonment passed by such Court or officer in default of payment of fine when no substantive sentence of imprisonment has been passed.

Appeals from summary convictions.

274. There shall be no appeal in cases tried summarily in which a Magistrate of the District, or a Magistrate or bench of Magistrates of the 1st class, empowered to act under section two hundred and twenty-two, passes a sentence of imprisonment not exceeding three months, or of fine not exceeding two hundred rupees, or of whipping.

Copy of sentence to accompany petition.

275. Every petition of appeal shall be accompanied by a copy of the judgment or order appealed against.

Copy of sentence or order to be furnished.

276. A copy of the judgment or other order passed by any Criminal Court, and, in cases tried by jury, of the Judge's charge to the jury, shall be furnished without delay on the application of any person affected by such sentence or order.

Such copy shall be made at the expense of the person applying for it, unless he is in jail or unless the Court, for some special reason, sees fit to grant such copy free of expense.

Procedure where appellant in jail.

277. If the party appealing be in jail, he shall be at liberty to present his petition of appeal and the copy of the judgment or order appealed against to the Magistrate or other officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

Rejection of appeal.

278. The Appellate Court shall fix a reasonable time within which the appellant or his counsel or authorized agent may appear, and it may reject the appeal if, on a perusal of the petition of appeal and the copy of the judgment or order appealed against, and after hearing the appellant or his counsel or authorized agent, if he appears, it considers that there is no sufficient ground for questioning the correctness of the decision or for interfering with the sentence or order appealed against.

Before rejecting the appeal, the Court may call for and peruse all or any part of the proceedings of the lower Court, but shall not be bound to do so.

Notice of appeal.

279. If the Appellate Court decide to hear the appeal, it shall cause notice to be given to the appellant, and, if the appeal be to the Session or High Court, shall also give notice to the Magistrate of the District, who shall inform, if necessary, the Public Prosecutor, Government Pleader or other officer empowered by Government on that behalf, of the day on which such appeal will be heard.

Appellate Court may alter or reverse finding and sentence, or enhance a sentence.

280. The Appellate Court, after perusing the proceedings of the lower Court, and after hearing the appellant, his counsel or agent, if they appear, and the Public Prosecutor, Government Pleader or other officer empowered by Government or by the Magistrate of the District in that behalf, if he appears, may alter or reverse the finding and sentence or order of such Court, and may, if it see reason to do so, enhance any punishment that has been awarded:

Provided that if the appeal is from the sentence of a Magistrate of any class the appellate Court shall not inflict a greater punishment than might have been inflicted by a 1st class Magistrate.

Suspension of sentence pending appeal.

281. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspend-

ed, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail.

Release of appellant on bail.

282. In any case in which an appeal has been allowed, the Appellate Court, if it think further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may either make such further inquiry and take such additional evidence itself or may direct such inquiry to be made and additional evidence to be taken.

Appellate Court may make or direct further inquiry.

When the evidence has not been taken before itself, the result of the further inquiry and the additional evidence shall be certified to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the presence of the appellant may be dispensed with when the further inquiry is made or evidence taken.

The provisions of this Act relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

283. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal on account of any error or defect, either in the charge or in the proceedings on or before trial, unless such error or defect has occasioned a substantial miscarriage of justice, either as affecting the due conduct of the prosecution, or as prejudicing the prisoner in his defence.

Finding or sentence when reversible by reason of error or defect in charge or proceedings.

In case the accused person has been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

Appellate Court may reduce punishment.

284. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court shall annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Procedure in case of conviction by Court not having jurisdiction

285. Except as provided in sections two hundred and seventy-two and two hundr d and ninety-seven, sentences and orders passed by an Appellate Court upon appeal shall be final.

Finality of orders on appeal.

286. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal Court.

Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

CHAPTER XXI.—REFERENCE.

287. If the Court of Session pass sentence of death, the sentence shall not be executed without the confirmation of the High Court.

Sentence of death.

If the accused person is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in its judgment, state the reason why sentence of death was not passed.

288. In any case so referred, whether tried with assessors or by jury, the High Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge or may acquit the accused person.

Power of High Court to confirm sentence or annul conviction.

289. If the Court think further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, it may direct such inquiry to be made, or such additional evidence to be taken.

Power to direct further inquiry, &c.

The result of the further inquiry and the additional evidence shall be certified to the High Court, and the High Court shall thereupon proceed to pass judgment of acquittal, or such sentence as it thinks fit.

290. In every case so referred to the High Court, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall be determined and signed by at least two Judges of the Court.

Confirmation or new sentence to be signed by two Judges.

291. When the High Court of reference, revision, or appeal, in any part of the territories to which this Code has been extended as aforesaid, consists of a single Judge, he shall have all the powers conferred upon two or more Judges of the High Court by this chapter.

When High Court consists of one Judge.

CHAPTER XXII.—SUPERINTENDENCE AND REVISION.

292. The High Court may make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it,

Power to High Court to make rules, &c.

for keeping all books, entries, and accounts to be kept in such Courts, and,

for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts,

and may also frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it thinks that a form should be provided,

and from time to time may alter any such rule or form:

Provided that such rules and forms be not inconsistent with the provisions of this Act, or of any other law in force.

All rules framed by the Court, all repeals and alterations thereof under this section shall be published in the official Gazette.

293. All Subordinate Courts shall send to the High Court such periodical statements or calendars of trials held by such Courts as the High Court prescribes, exhibiting the offences charged, the offences of which the accused persons are convicted, and the sentences or orders passed upon them.

Calendars of trials by Subordinate Courts.

Parts VI & VII C. XXII & XXIII, ss. 294—301.

Power to call for records of Subordinate Courts.

294. The High Court may call for and examine the record of any case tried by any Subordinate Court for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court.

Powers of Court of Session and Magistrate to call for record of Subordinate Courts.

295. Any Court of Session or Magistrate of the District may, at all times, call for and examine the record of any Court subordinate to such Court or Magistrate, for the purpose of satisfying itself or himself as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such Subordinate Court.

Reference to High Court.

296. If the Court of Session or Magistrate of the District is of opinion that the judgment or order is contrary to law, or that the punishment is too severe or is inadequate, such Court or Magistrate may report the proceedings for the orders of the High Court:

Provided that in committable cases if a Court of Session or Magistrate of the District considers that a complaint has been improperly dismissed or discharged by a Subordinate Court, such Court or Magistrate may direct the accused person to be committed for trial.

Powers of revision.

297. If in any case either called for by itself, or reported for orders or which comes to its knowledge, it appears to the High Court that there has been a material error in the proceedings of the Court below, it shall pass such order thereon as it thinks fit.

Power to order commitment.

If it considers that a complaint has been improperly dismissed or discharged, it may order the accused person to be committed;

Power to alter finding and sentence.

If it considers that the charge has been inconveniently framed, and that the facts of the case show that the prisoner ought to have been convicted of an offence other than that of which he was convicted, it shall pass sentence for the offence of which he ought to have been convicted,

Proviso to power of altering finding.

Provided that if the error in the charge appears materially to have misled and prejudiced the accused person in his defence, the High Court shall annul the conviction and remand the case to the Court below with an amended charge, and the Court below shall thereupon proceed as if it had itself amended such charge.

Power to annul conviction.

If the High Court considers that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the trial and order a new trial before a competent Court.

Power to annul improper and to pass proper sentence.

If it considers that the sentence passed on the accused person is one which cannot legally be passed for the offence of which the accused person has been convicted, or might have been legally convicted upon the facts of the case, it shall annul such sentence and pass a sentence in accordance with law.

If it considers that the sentence passed is too severe, it may pass any lesser sentence warranted by law; if it considers that the sentence is inadequate, it may pass a proper sentence.

Suspension of sentence.

The High Court may, whenever it thinks fit, order that the sentence in any case coming before it as Court of Revision be suspended; that any person imprisoned under such order be released on bail, if the offence for which such person has been imprisoned be bailable.

Powers of revision confined to High Court.

Except as provided in sections three hundred and twenty-eight and three hundred and ninety-eight, no Court other than the High Court shall alter any sentence or order of any Subordinate Court except upon appeal by the parties concerned.

Exercise of Revisional jurisdiction optional.

In exercising its powers of Revision it shall be in the discretion of the High Court to hear any person interested in the matter.

Courts may order inquiry.

298. The High Court, the Court of Session and the Magistrate of the District may order any subordinate Court to inquire into any complaint which has been dismissed under section one hundred and forty-seven.

Order on revision to be certified to lower Court or District Magistrate.

299. Whenever case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and, if necessary, the record shall be amended in accordance therewith:

Proviso.

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of a jury, or alter or reverse the sentence or order of the Court below except as herein provided.

Provisions of section 283 to apply.

300. The provisions of section two hundred and eighty-three shall apply to revision orders under this chapter.

PART VII.

EXECUTION.

CHAPTER XXIII.

Procedure in cases referred to High Court for confirmation.

301. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed, issue a warrant to the officer in charge of the jail in which the person is confined, to cause the sentence or order to be carried into execution;

t VII, C. XIII, ss. 302—311.

or, in the case of any other orders, shall cause such order to be carried into effect.

Court of Session to send copy of finding and sentence to District Magistrate.

302. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

Warrant of execution.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him, with a warrant for the execution of the sentence, to the officer in charge of the jail of the district in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

Procedure after sentence passed by Court inferior to Session Court.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person, with a similar warrant for the execution of the sentence, to the officer in charge of the jail of the district in which the trial was held.

Form and direction of warrant of commitment.

303. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor or other officer or person having authority to receive and keep prisoners, and shall be in the Form (C or D as the case may be) given in the second schedule to this Act or to the like effect.

Warrant with whom to be lodged.

304. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not in the jail, with his deputy.

If the jailor has no deputy, the warrant may be lodged with any officer of the jail then being in the jail.

Execution of sentence under section 301 or 302.

305. Upon the receipt of a warrant under section three hundred and one or three hundred and two, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Postponement of capital sentence on pregnant woman.

306. If a woman sentenced to death be found to be pregnant, the High Court may order the sentence to be postponed, and may commute the sentence.

Levy of fine.

307. Whenever an offender is sentenced to pay a fine, the Court which sentences him may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in defaut of payment of the fine, the offender shall suffer imprisonment.

Such warrant may be exeuted within the jurisdiction of the Court that issued it, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Cort when endorsed by the Magistrate of the District in which such property is situated.

Payment of fine in compensation.

308. Whenever a Criminal Court imposes a fine, or confirms in appeal or revision a sentence of fine, or a sentence of which fine forms a part, the Court may order the whole or any part of the fine to be paid in compensation,

(1) for expenses properly incurred in the prosecution,

(2) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has elapsed, or, if an appeal be presented, till after the decision of the appeal.

In any subsequent civil proceedings relating to the same matter, the Court shall take into account any sum which may have been awarded under this section.

Imprisonment in default of payment of fine.

309. In every case punishable under any law in force with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of sections sixty-four and sixty-five of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine:

Proviso as to cases decided by a Magistrate.

Provided that, in no case decided by a Magistrate, where imprisonment shall have been awarded as part of the substantive sentence, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which he is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Where a person is sentenced to fine only, the Magistrate may award such term of imprisonment in default of payment of fine as is allowed by law, provided the amount does not exceed the Magistrate's powers under this Act.

Whipping, if awarded in addition to imprisonment, when to be inflicted.

310. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or, if an appeal be made within that time, until the sentence is confirmed by the superior Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or, in case of an appeal, immediately on the receipt of the order of the Court confirming the sentence if such order is not received within the fifteen days.

Mode of inflicting the punishment.

311. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the Local Government directs, and in the case of a juvenile offender, it

Part VII, C. XXIII, s. 312—315.

shall be inflicted in the way of school discipline with a light rattan.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the rattan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Magistrate, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

Punishment not to be inflicted if offender not in fit state of health.

312. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Magistrate present, that the offender is in a fit state of health to undergo the punishment

Stay of execution

If during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, the whipping shall be finally stopped.

Nor by instalments.

No sentence of whipping shall be executed by instalments.

Procedure if punishment cannot be inflicted under the last section.

313. In any case in which, under section three hundred and twelve, a sentence of whipping is, wholly or partially, prevented from being carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it, and the said Court may, at its discretion, either order his discharge, or sentence him in lieu of whipping or in lieu of so much of the sentence of whipping as was not carried out, to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence:

Provided that the whole period of imprisonment shall not exceed that to which the offender is liable by law, or that which the said Court is competent to award.

Sentence in cases of simultaneous conviction of several offences.

314. When a person is convicted at one trial of two or more offences punishable under the same or different sections of the law, the Court may sentence him for the offences of which he has been convicted to the several penalties prescribed by such enactment or enactments which such Court is competent to inflict; such penalties, when consisting of imprisonment or transportation, to commence the one after the expiration of the other.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of imprisonment.

Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years:

Provided also that, if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which he is by his ordinary jurisdiction competent to inflict.

EXPLANATION I.—Where the law provides a specific penalty for a compound offence, the accused person shall not be liable to be tried severally for each offence which forms a part of such compound offence.

Illustrations.

A commits the offence of lurking house-trespass by night and also steals twenty rupees from the house so entered. A is only liable to punishment under the latter clause of section 457 of the Indian Penal Code, and may not be tried for both house-trespass and theft on separate charges.

A commits the offence of rioting A is punishable under section 147. Indian Penal Code, and may not, on the same facts, be also convicted of being a member of an unlawful assembly.

A commits the offence of rioting and continues in the unlawful assembly after it has been ordered to disperse. A is punishable under sections 147 and 145, Indian Penal Code.

A, with six others, commits the offences of rioting, grievous hurt and of assaulting a public servant engaged in suppressing the riot. A may be tried separately for each of these three offences.

A joins an unlawful assembly armed with a deadly weapon and partakes in a riot by such assembly. A is punishable under section 148, Indian Penal Code, and not under sections 144 and 145, Indian Penal Code.

Z criminally intimidates A, B and C at the same time. A, B and C may each bring separate charges on which Z may be separately punished.

A steals a watch which is subsequently found in his possession. A cannot be convicted of theft and of receiving the watch.

A commits dacoity and removes his share of the plundered property to his house where it is subsequently found. A may be tried for dacoity, but he is not liable to be tried, in addition, for receiving the property plundered by such dacoity.

EXPLANATION II.—If the punishment which may be inflicted on conviction of one of the offences which forms part of a compound offence be greater than that which may be inflicted for the compound offence, the accused person may be tried on separate charges for each offence, provided that the punishment shall not exceed that which might by law be inflicted for the gravest offence of which such accused person is found guilty.

Illustration.

A commits house-breaking by day and commits, in the house so entered, adultery with B's wife. A is liable, under section 451, Indian Penal Code, to three years imprisonment, and the offence of adultery (section 497, Indian Penal Code) is punishable with five years' imprisonment. A may be tried for house-breaking and adultery; but, on conviction for both offences, the punishment may not exceed that prescribed for adultery.

Trial of previously convicted persons.

315. Whoever, having been convicted of an offence punishable under chapter XII or chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate consider that the offence appears to have been committed, be committed to the Court of Session:

Proviso.

Provided that, in districts in which the Magistrate of the District has been invested with powers under section thirty-six, the accused person may be placed on his trial before such Magistrate of the District

Parts VII & VIII, C. XXIV, ss. 316—327.

Currency of sentence on escaped convicts.

316. When sentence is passed on an escaped convict for such escape or for any other offence, the Court may direct the sentence to take effect immediately, or after such convict has suffered imprisonment or transportation, as the case may be, for a further period equal to that which remainded unexpired of his former sentence at the time of his escape.

Sentence on offender already sentenced for another offence.

317. When sentence is passed on a person already under sentence of imprisonment or transportation, and the sentence be for imprisonment or transportation, the Court shall direct that such imprisonment or transportation shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced,

or, if he is undergoing a sentence of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced :

Proviso.

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Confinement of youthful offenders in reformatories.

318. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, such Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed by Government.

Governor General in Council to appoint places to which persons sentenced to transportation may be sent.

Local Government to direct removal of such persons to places appointed.

319. The Governor General of India in Council may from time to time appoint a place or places within British India to which persons sentenced to transportation shall be sent : the Local Government, or some officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed ; and no sentence of transportation shall specify the place to which the person sentenced is to be transported.

Person sentenced to transportation while undergoing transportation under previous sentence need not be removed.

320. When sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Local Government to order his removal from the place in which he is so undergoing transportation.

Sentence of death.

321. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Power to remit punishment.

322. When any person has been sentenced to punishment for an offence, the Governor General of India in Council, or the Local Government, may, at any time, without conditions, or upon any conditions which the person sentenced accepts, remit the whole or any part of the punishment to which he has been sentenced.

If the person to whom a pardon has been given fails to fulfil the conditions prescribed by the Governor General of India in Council, or the Local Government, the Governor General of India in Council or the Local Government, as the case may be, may withdraw such pardon, whereupon the person shall be remanded to undergo the unexpired portion of his sentence.

Power to commute punishment.

The Governor General of India in Council, or the Local Government, may also, without the consent of the person sentenced, in substitution for the sentence passed according to law, commute any one of the following sentences for any other mentioned after it—

death, transportation, penal servitude, imprisonment.

PART VIII.

EVIDENCE.

CHAPTER XXIV.

Special Rules of Evidence in Criminal Cases.

Evidence of medical witness.

323. The examination of a Civil Surgeon or other medical witness taken and duly attested by a Magistrate may be given in evidence in any criminal trial although the person examined is not called as a witness.

Court may summon medical witness.

324. The Court may summon such Civil Surgeon or other medical witness, if it see sufficient cause for doing so.

Report of Chemical Examiner.

325. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary inquiry relating thereto, may if it bears his signature, be used as evidence in any Criminal trial.

Genuineness of signature may be presumed.

326. The Court may presume that the signature of any such document is genuine and that the person signing it held the office which he professed to hold at the time when he signed it.

Record of evidence in the absence of the accused.

327. If an accused person abscond, and after due pursuit cannot be arrested, any Court competent to try or to commit such accused person for trial for the offence complained of may, in his absence, record the statements of the persons acquainted with the facts, and such depositions may, on his apprehension, be put in on his trial for such offence if it is not practicable to procure the attendance of such witnesses.

Part VIII, C. XXIV & XXV, ss. 328—334.

Convictions on evidence partly recorded by one Magistrate and partly by another.

328. Whenever any Magistrate, after having heard part of the evidence in a case, ceases to exercise jurisdiction in such case and is succeeded by another Magistrate who has and who exercises jurisdiction in such case, it shall be competent to such Magistrate last named to decide the case on the evidence partly recorded by his predecessor and partly recorded by himself, or he may re-summon the witnesses and commence afresh:

Provided that the accused person may when the second Magistrate commences his proceedings, demand that the witnesses shall be re-summoned and reheard, in which case the trial shall be commenced afresh:

Provided also that any Court of Appeal or revision, before which the case may be brought,

or, in cases tried by Magistrates subordinate to the Magistrate of the District, the Magistrate of the District, without appeal,

may set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or Magistrate shall be of opinion that the accused has been materially prejudiced thereby, and may order a new trial.

Commitments on evidence partly recorded by one officer and partly by another valid.

329. Whenever from any cause any Magistrate making an inquiry, under chapter XV of this Act, is unable to complete the proceedings himself, any other Magistrate having jurisdiction to inquire and to commit, may complete the case and proceed as if he had recorded all the evidence himself.

When a commission may issue.

330. Whenever it appears that the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, it shall be competent to a Court of Session or to a High Court to dispense with the personal attendance of such witness.

Mode of issuing commission.

Such Court of Session or High Court may direct a commission to the Magistrate of the District, or to a Magistrate of the 1st class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed and take, or shall summon and take, the evidence of such witness before himself in the same manner, and shall have for this purpose and may exercise the same powers, as in trials of warrant cases.

Prosecutor and accused may examine witness.

The prosecutor and the accused person may forward interrogatories to which the officer to whom the commission is directed shall cause a return to be made, or the prosecutor may appear personally before the Magistrate to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

Procedure when commission is required in Magistrate's cases.

Whenever, in the course of a trial before a Magistrate, it shall appear that a commission ought to be issued for the examination of a witness whose evidence is necessary in such trial, such Magistrate shall apply to the Court of Session to which he is subordinate stating the reasons for the application, and such Court may either issue a commission in the manner hereinbefore provided, or may reject the application.

CHAPTER XXV.

EVIDENCE HOW TAKEN.

Examination of complainants and witnesses.

331. In all Criminal Courts, complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Manner of recording evidence;

332. In inquiries and trials (other than summary trials) under this Act the evidence of the witnesses shall be recorded by the Magistrate or Sessions Judge, as the case may be, in the following manner.

In summons cases and in trials by 1st and 2nd class Magistrates of certain offences;

333. In summons cases tried before Magistrates, and in cases of the kind referred to in section two hundred and twenty-two when tried by a Magistrate of the 1st or 2nd class, otherwise than at a summary trial, the Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds.

The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

In all other cases before Magistrates and in all proceedings before Courts of Session.

334. In all other cases before Magistrates and in all proceedings before the Courts of Session, the evidence of each witness shall be taken down in writing in the language in ordinary use in the district in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate or Sessions Judge, and shall be signed by the Magistrate or Sessions Judge.

Evidence in English.

When the evidence of a witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and an authenticated translation of the same, in the language in ordinary use in the district in which the Court is held, shall form part of the record.

If the accused person be a European British subject or be familiar with the English language no translation shall be necessary.

Memorandum when evidence not taken down in writing.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes and such memorandum shall be written and signed by the Magistrate or Sessions Judge, with his own hand, and shall be annexed to the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Local Government may direct evidence to be recorded by Magistrate himself in his vernacular;

335. The Local Government may direct that in any district or part of a district, or in proceedings before any Magistrate or class of Magistrates, the evidence of complainants or witnesses shall be taken down by the Magistrate or Sessions Judge with his own hand in the vernacular language of the Magistrate or Sessions Judge, unless the Magistrate or Sessions Judge be prevented by any sufficient reason from taking down the evidence of any complainant or witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Magistrate or Sessions Judge, and shall form part of the record:

or in English or in language in ordinary use in district.

Provided that, if the vernacular language of the Magistrate or Sessions Judge be not English or the language in ordinary use in the district in which the Court is held, the Local Government may direct him to take down the evidence in the English language or in the language in ordinary use in the district in which the Court is held, instead of his own vernacular.

In cases referred to in Section 333 Magistrate may record as provided in section 334 or section 335.

336. In cases of the kind referred to in section three hundred and thirty-three, tried before Magistrates, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section three hundred and thirty-four, or, if within the jurisdiction of such Magistrate the Local Government has made the order referred to in section three hundred and thirty-five, in the manner provided in section three hundred and thirty-five.

Local Government to decide what language is to be held to be in ordinary use.

337. The Local Government may determine what, for the purposes of this Act, shall be held to be the language in ordinary use in any district in which a Court is held.

Form of record of evidence.

338. The evidence taken under section three hundred and thirty-four shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

It shall be in the discretion of the Magistrate or Sessions Judge to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any person who is a prosecutor or a person accused, or his Counsel or agent, requires it.

Procedure in regard to evidence when completed.

339. As the evidence of each witness, taken under section three hundred and thirty-four, is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his agent when his personal attendance is dispensed with and he appears by agent, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his agent.

340. In all cases whatever when the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where he is present in person.

If he appears by agent, and the evidence is given in a language other than the language in ordinary use in the district in which the Court is held, it shall be interpreted to such agent in that language.

Remarks respecting demeanour of witness.

341. Every Sessions Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Of the Examination of Persons accused.

Accused may be questioned.

342. In all inquiries and trials a Criminal Court may from time to time and at any stage of the proceedings, put any questions to the accused person which such Court may think proper.

Accused not punishable for refusal to answer.

343. The accused person shall not be liable to any punishment for refusing to answer questions asked under section three hundred and forty-two, but the Court shall draw such inferences as seem just from such refusal.

No influence to be used to induce disclosures.

344. Except as is provided in section three hundred and forty-seven, no influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

Accused not to be sworn.

345. No oath or affirmation shall be administered to the accused person.

Examination of accused how recorded.

346. Whenever an accused person is examined, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate or Sessions Judge, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

In cases in which the examination of the accused is not recorded by the Magistrate or Sessions Judge himself, he shall be bound, as the examina-

tion proceeds, to make a memorandum thereof in the vernacular of the district, or in English, if he is sufficiently acquainted with that language; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall be annexed to the record. If the Magistrate or Sessions Judge is precluded from making a memorandum as above required, he shall record the reason of his inability to do so.

The accused person shall sign or attest by his mark such record.

If the examination be taken in the course of a preliminary inquiry, and the Court of Session find that the provisions of this section have not been fully complied with, it shall take evidence that the prisoner duly made the statement recorded: Provided that if the error does not prejudice the prisoner, it shall not be deemed to affect the admissibility of the statement so recorded.

Magistrate may tender pardon to accomplice.

347. The Magistrate of the District, any Magistrate of the 1st class inquiring into the case, or with the sanction of the Magistrate of the District, any Magistrate duly empowered to commit to the Court of Session, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column seven of the fourth schedule hereto annexed as triable exclusively by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

A Magistrate, having tendered a pardon under this section and examined the accused person, is precluded from trying the case himself.

High Court or Court of Session may direct tender of pardon.

348. The High Court as a Court of reference, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

When Magistrate, Court of Session or High Court may direct commitment of person to whom pardon has been tendered.

349. When a pardon has been tendered under section three hundred and forty-seven or section three hundred and forty-eight, if it appear to the Magistrate before the trial, or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

CHAPTER XXVI.—OF SECURING THE ATTENDANCE OF WITNESSES.

Procedure for obtaining attendance of witnesses.

350. The following procedure shall be pursued in order to obtain the attendance of witnesses before a Magistrate or Criminal Court.

Power to summon material witness or examine person present.

351. Any Court or Magistrate may at any stage of any proceeding, inquiry or trial summon (in the manner provided by chapter XII) any witness whose evidence appears essential to the just decision of the case, or examine any person in attendance though not summoned as a witness.

When warrant of arrest may issue in first instance.

352. If the Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue his warrant of arrest in the first instance.

Procedure when warrant cannot be served.

353. If the warrant cannot be executed and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, he may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

If the witness does not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he deems reasonable, not being in excess of the amount of costs of attachment and of any fine to which the witness may be liable under the provisions of the following section.

Such order shall authorize the attachment of any moveable property within the jurisdiction of the Magistrate by whom it was made, and it shall authorize the attachment of any moveable property without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

Release of attached property of witness appearing and satisfying Magistrate.

354. If the witness appears and satisfies the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he thinks fit.

Sale of property of witness not appearing or not satisfying Magistrate.

If such witness does not appear, or appearing, fails to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the exe-

cution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Magistrate may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which he may impose upon such witness under the provisions of section one hundred and seventy-two of the Indian Penal Code.

If the witness pays to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

Arrest of person disobeying summons.

355. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand and seal, to bring such person before him to testify as aforesaid.

Committal of person refusing to answer.

356. If any person summoned or brought before a Magistrate refuses to answer such questions as are put to him, without offering any reasonable excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of sections four hundred and thirty-five or four hundred and thirty-six.

INQUIRIES.

In inquiries preliminary to commitment.

357. In inquiries preliminary to commitment to a Court of Session or High Court, the Magistrate shall procure the attendance of the witnesses for the prosecution as in cases usually tried upon warrant, and it shall be in his discretion to summon any witness offered on behalf of the accused person to answer or disprove the evidence against him. If the Magistrate refuse to summon a witness he shall record his reasons.

When accused person is to be committed.

358. In such inquiries, when the person accused is to be committed for trial and has given in the list of witnesses mentioned in section two hundred, the Magistrate shall summon the witnesses to appear before the Court before which the accused person is to be tried.

Refusal to summon unnecessary witness, unless deposit made.

359. If the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material.

If the Magistrate be not so satisfied, he shall not be bound to summon the witness, but, in doubtful cases, he may, if such a sum is deposited with the Magistrate as he thinks necessary to defray the expense of obtaining the attendance of the witness.

Recognizances of prosecutors and witnesses.

360. Prosecutors and witnesses for the prosecution and defence, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances, in the Form (F) given in the second schedule to this Act, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be.

Detention in custody in case of refusal to attend or to execute recognizance.

If any prosecutor or witness refuses to attend before the Court of Session or to execute the recognizance above directed, the Magistrate may detain him in custody, until he executes such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall send him under custody to the Court of Session.

SUMMONS CASES.

In summons cases.

361. In summons cases, the Magistrate may summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused.

Ordinarily it shall be the duty of the complainant and accused, in non-cognizable cases, to produce their own witnesses.

In such cases it shall be in the discretion of the Magistrate to summon any witnesses named by the complainant or the accused, and he may require in such cases a deposit of the expenses of a witness before summoning him.

WARRANT CASES.

In cases tried upon warrant.

362. In warrant cases, the Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give evidence for the prosecution, and summon them before him to give evidence.

The Magistrate shall also summon, subject to the provisions of section three hundred and fifty-nine, any witness and examine any evidence that may be offered in behalf of the accused person to answer or disprove the evidence against him, and may for that purpose, at his discretion, adjourn the trial from time to time. If the Magistrate refuse to summon a witness named by the accused person, he shall record his reasons for such refusal, and the accused person shall be entitled to appeal to the Court of Session against such refusal.

SESSIONS TRIALS.

Right of accused as to examination and summoning of witness.

363. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any witness summoned other than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in section four hundred and forty-eight.

Procedure in case of witness refusing to answer.

364. If any witness before a Court of Session refuses to answer any question which shall be put to him, and does not offer any just excuse for such refusal, the Court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer.

In the event of his persisting in his refusal, he may be dealt with according to the provisions of section four hundred and thirty-five or four hundred and thirty-six.

OF SECURING DOCUMENTARY EVIDENCE.

Procedure for obtaining production of document required as evidence.

365. Whenever an officer in charge of a Police-station or any Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, such officer or Court may issue a summons to the party in whose keeping such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

When warrant for search for documents may issue.

366. If there appears reason to believe that the person to whom the summons is addressed will not produce it as directed in the summons, such officer or Court may issue a search-warrant for the document in the first instance.

Power to impound document produced.

367. Any Court may, if it thinks fit, impound any document produced before it, or may at the conclusion of the proceedings order such document to be returned to the person who produced it.

CHAPTER XXVII.—OF SEARCH-WARRANTS.

Search-warrant when grantable.

368. When a Magistrate considers that the production of anything is essential to the conduct of an inquiry into an offence known or suspected to have been committed, or to the discovery of the offender, or when he considers that such inquiry or discovery will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of the Magistrate of the District.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place, or part so specified.

Procedure as to letter in custody of Postal Department.

369. The last preceding section shall not authorize any Magistrate, other than the Magistrate of the District, to grant a search-warrant for a letter in the custody of the Postal Department;

but if any such letter is wanted for the purpose of any criminal proceeding, any Magistrate or District Superintendent of Police may give notice to the Postal authorities to cause search to be made for and to detain any such letter, pending the orders of the Magistrate of the District; and such Magistrate may, if he think fit, direct the Postal authorities to deliver up any such letter.

Direction of search-warrant.

370. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, after recording his reasons, if immediate search is necessary and no Police officer be immediately available, direct it to any other person.

Warrant to Police officer may be executed by his subordinate.

371. A search-warrant directed to a Police officer may, if he is not able to proceed in person, be executed by any other Police officer.

Endorsement.

In such case the name of such Police officer shall be endorsed upon the warrant by the officer to whom it is directed or endorsed.

Execution of search-warrant out of jurisdiction of Magistrate issuing it.

372. When it is necessary for a search-warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, any Magistrate within whose local jurisdiction the warrant is to be executed shall endorse his name thereon.

Such endorsement shall be sufficient authority for the Police officer charged with the execution of the warrant to execute the same within the said jurisdiction.

Or the search-warrant may be directed to the Magistrate within whose local jurisdiction the search is to be made, and he shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if it had been issued by himself.

Search-warrants may in emergency be executed without endorsement.

373. Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police officer charged with the execution of the warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose local jurisdiction that place is situate.

Thing found to be taken to Magistrate within whose jurisdiction it is found.

If the thing for which search is made is found in such place when the place where the thing is found is nearer to the Magistrate having jurisdiction in such place than to the Magistrate who issued the warrant, it shall be immediately taken before the Magistrate in whose local jurisdiction it is found, and unless there be good cause to the contrary, he shall

Order thereon.

make an order authorizing it to be taken to the Magistrate who issued the warrant.

If the thing be not found after such search, the Police officer making the same shall, in addition to the return made to the Magistrate who issued the warrant, report the fact to the Magistrate in whose local jurisdiction the search was made.

Procedure in such cases within presidency town.

374. If the thing searched for be found within a presidency town, it shall be taken to the Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in section three hundred and seventy-three.

Magistrate may issue search-warrant to be executed in jurisdiction of another Magistrate.

375. Whenever it appears necessary, a Magistrate may, by his warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made.

When a Magistrate issues a warrant under this section, he shall inform the Magistrate within whose local jurisdiction the house or place to be searched is situate, or if the house or place be situate within a presidency town he shall inform the Commissioner of Police, of the issue of such warrant.

Magistrate may send search-warrant by post to Magistrate of another District or division of District.

376. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, or out of his own division, may direct the warrant to any Magistrate within whose local jurisdiction such house or place is situate, and may send the same by post.

Endorsement and execution by such Magistrate.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Direction of warrant to be executed in Presidency town.

If the warrant is to be executed within a presidency town it shall be addressed to the Commissioner of Police or to a Police Magistrate.

In such case any property found on search made may be dealt with as provided in sections three hundred and seventy-three and three hundred and seventy-four.

Search of house suspected to contain stolen property or forged documents.

377. If the Magistrate of the District or a Magistrate of a division of a District, or a Magistrate of the 1st class, upon information and after such inquiry as he thinks necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or any counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Magistrate may attend personally.

378. The Magistrate by whom a search-warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate may direct search in his presence.

The Magistrate may also direct a search to be made in his presence, of any house or place for the search of which he is competent to issue a search-warrant.

Search by officer in charge of Police-station.

379. Whenever an officer in charge of a Police-station or a Police officer making an investigation considers that the production of anything is necessary to the conduct of an investigation into any offence which he is authorized to investigate, he may search or cause search to be made for the same, in any house or place within the limits of such station.

In such case, the officer in charge of the Police-station or Police officer making investigation shall, if practicable, conduct the search in person.

If unable to conduct the search in person, and there is no other person competent to make the search present at the time, the officer in charge of the Police-station may require any officer subordinate to him to make the search, and he shall deliver to such officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and the subordinate officer may thereupon search for such property in such house or place.

The provisions of sections three hundred and eighty-two to three hundred and eighty-five (both inclusive), relating to search-warrants, shall be applicable to a search under this section made by or under the direction of an officer in charge of a Police-station, or by a Police officer making an investigation.

When officer of Police-station may require another to issue search-warrant.

380. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which the former officer might cause such search to be made within the limits of his own station.

Such officer on being so required shall proceed according to the provisions of section three hundred and seventy-nine, and shall forward the thing found, if any, to the officer at whose request the search was made.

Inspection of weights and measures.

381. An officer in charge of a Police-station may, without a warrant, enter any shop or premises within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he has reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false.

If he finds in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

Persons in charge of closed house to allow search.

382. If the house or place to be searched is closed, any person residing in or being in charge of such house or place shall, on demand of the officer or other person executing the warrant, allow such officer or other person free ingress thereto, and afford all reasonable facilities for a search therein.

Place to be searched may be broken open.

383. A Police officer, or other person authorized by a warrant to search any house or place, may break open any outer or in-

Parts VIII & IX, C. XXVII & XXVIII, ss. 384—395.

ner door or window of the house or place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of zenána.

384. If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall give notice to such woman in such apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw.

After giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, he may enter such apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Search to be made in presence of witnesses.

385. Before conducting a search under this chapter the officer conducting it shall call upon two or more respectable inhabitants of the place in which the house or place to be searched is situate, to attend and witness the search.

The search shall be made in their presence, but they shall not be required to attend the Court of the Magistrate as witnesses, unless specially summoned by him.

Occupant of place searched may attend.

The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Mode of searching women.

386. Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Search of arrested persons.

387. Whenever a person is arrested by the Police under a warrant which does not provide for the taking of bail,

or under a warrant which provides for the taking of bail, but the arrested person cannot furnish bail,

or is arrested without warrant and is not admitted to bail,

it shall be the duty of the apprehending officer to search such person and to place in safe custody all articles, other than necessary articles of apparel, found on such person.

A list of such articles shall be forwarded with the daily diary or with the final report in the case.

PART IX.

PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

CHAPTER XXVIII.

BAIL.

When bail shall be taken.

388. When any person appears or is brought before a Magistrate accused of any bailable offence, he shall be admitted to bail.

Bail not to be taken for certain offences.

389. When any person appears or is brought before a Magistrate accused of any non-bailable offence, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him.

When bail may be taken.

If the evidence given in support of the accusation is, in the opinion of the Magistrate, not such as to raise a strong presumption of the guilt of the accused person,

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt, but there appears to the Magistrate in either of such cases to be sufficient ground for further inquiry into his guilt,

the accused person shall be admitted to bail pending such inquiry.

Power to direct admission to bail.

390. The Court of Session may in any case, whether there be an appeal on conviction or not, direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Recognizance of accused and sureties.

391. When a Magistrate admits to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend at the time and place mentioned in the recognizance and shall continue to attend until otherwise directed by the Court, and, if required, shall appear when called upon at the Court of Session or other Court, as the case may be, to answer the charge.

Insufficient bail.

392. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and, in default, may be committed to prison.

Bail may be taken at any time before conviction.

393. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Discharge on bail.

394. After the recognizances have been duly entered into, the Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon release him; and in case he is in some prison or other place of confinement, shall issue a warrant of release to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge of sureties.

395. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements.

On such an application being made, the Magistrate shall issue his warrant of arrest, directing that such person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and, in default, may order him to be committed to prison.

Procedure to compel payment of penalty by accused.

396. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District. Such warrant may be executed within the jurisdiction of the Magistrate of the District, and it shall authorize the distress and sale of any moveable property belonging to the accused person without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such moveable property is situated.

Procedure to compel payment of penalty by sureties.

397. Whenever, by reason of default of appearance by the person bailed, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within the jurisdiction of the Magistrate of the District. Such warrant may be executed within the jurisdiction of the Magistrate of the District, and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such moveable property is situated.

If the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

In what cases the powers given by sections 396 and 397 may be exercised.

398. The powers given by sections three hundred and ninety-six and three hundred and ninety-seven may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Remission of part of penalty.

Provided that the Magistrate or Court may, at his or its discretion, remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

Revision of orders.

All orders passed by any Magistrate under this section or section three hundred and ninety-six or three hundred and ninety-seven shall be appealable to the Magistrate of the District, or, if not so appealed, may be revised by him.

Deposit may be made instead of bail.

399. When any person is required by any officer or Criminal Court to give bail, such officer or Court may permit such person to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

CHAPTER XXIX.

Formation of Lists of Jurors and Assessors and their Attendance.

List of jurors and assessors.

400. The Sessions Judge and the Collector of the District or such other officer as the Local Government from time to time appoints in this behalf, shall prepare and make out in alphabetical order a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the Local Government thinks fit to direct, who are, in the judgment of the Sessions Judge and Collector or other officer as aforesaid, qualified from their education and character to serve as jurors or as assessors, respectively.

The list shall contain the name, place of abode, and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

Publication of list.

401. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside.

To every such copy shall be subjoined a notice, stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid at a time and place to be mentioned in the notice.

Revision of list.

402. For the hearing of such objections the Sessions Judge shall sit with the Collector or other officer as aforesaid and, shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section four hundred and six, and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Collector or other officer as aforesaid and the Sessions Judge, the name of the proposed juror shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Annual revision of list.

403. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Jurors and assessors.

404. All male persons between the ages of twenty-one and sixty, resident within the local limits of the jurisdiction of the Court of Session, except those hereinafter mentioned, shall be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Disqualifications.

405. The following persons are incapable of serving as jurors or as assessors in trials before the Court of Session, namely:—

Persons who hold any office in or under the said Court.

Persons. executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Sessions Judge and Collector, renders them unfit to serve on the jury.

Persons afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

Exemptions.

406. The following persons are exempt from the liability to serve as jurors or as assessors, namely:—

All officers in civil employ superior in rank to a Magistrate of the district.

Judges and other Judicial officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty.

Chaplains and others employed in religious offices.

All persons in the Military Service.

Surgeons and others who openly and constantly practise in the profession of physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

All persons exempted by the local Government, and persons exempted by Government from personal appearance in Court under the provisions of the Code of Civil Procedure, section twenty-two.

Person exempted is not bound to avail himself of his right of exemption.

The exemption from service given by this section is a right of which each person exempted may avail himself or not.

Nothing contained in this section shall be construed to disqualify any such person, if he is willing to serve as a juror or as an assessor.

The Sessions Judge may issue a summons to any exempted person to serve as an assessor or juror on the trial of a European British subject.

Court to summon jurors.

407. The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

Summoning and empanelling jurors under section 234.

408. When a trial is to be held in which the accused person or one of the accused persons is entitled to be tried by a jury constituted under the provisions of section two hundred and thirty-four, the Court of Session shall, three days at least before the day fixed for holding such trial, cause to be summoned in the manner hereinafter prescribed as many European and American jurors as are required for the trial, if there be so many on the jury-list of the District.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for jury trials at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be taken by lot in the manner prescribed in section two hundred and forty until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained.

If a jury containing the requisite number of Europeans and Americans be not obtained, the accused person may elect to be tried by the Judge with the aid of assessors; otherwise he shall be tried by the jury obtained by the means aforesaid.

Form and service of summons

409. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor at a time and place to be therein specified.

The summons or a copy thereof shall be served on every juror or assessor personally.

If the juror or assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

Power to summon another set of jurors or assessors.

410. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section four hundred and seven, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever it is found to be necessary.

Service of summons on officer of Government.

411. If any person summoned to serve as a juror or assessor be in the service of Government or of a Railway Company, the summons shall be sent to him through the head officer of the office in which he is employed, and the Court may excuse the attendance of such person if it appear, on the representation of such head officer, that the person summoned cannot serve as a juror or assessor without inconvenience to the public service.

Court may excuse attendance of juror or assessor.

412. The Court of Session may excuse any juror or assessor from attendance for reasonable cause.

List of jurors or assessors attending.

413. At each session the Court shall cause to be made a list of the names of those who serve as jurors or assessors at such session.

The list shall be kept with the revised list of the jurors and assessors prepared under section four hundred and two.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Penalty for non attendance of juror or assessor.

414. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

Such fine shall be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such juror or assessor within the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER XXX.

Miscellaneous Provisions.

Procedure by Police upon seizure of stolen property.

415. The seizure by any Police officer of property alleged or suspected to have been stolen, or found under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he thinks proper.

Sale of perishable property.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall hold the proceeds in trust for the owner subject to the provisions contained in sections four hundred and sixteen and four hundred and seventeen.

Procedure where owner of property seized unknown.

416. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and, in case of such detention, shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure if no claimant appear within six months.

417. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or a Magistrate of a Division of a District or, if duly authorized, a Magistrate of the 1st class or, if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

An appeal shall be allowed in the case of every order passed under this section.

Order for disposal of property regarding which offence committed.

418. When the trial in any Criminal Court is concluded, the Court may make such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

Stay of such order.

419. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Order may take form of reference to Magistrate of District.

420. The order passed by any Court under section four hundred and eighteen or four hundred and nineteen may be in the form of a reference of the property to the Magistrate of the District, or of a Magistrate of a Division of a District, who shall in such cases deal with it as if the property had been seized by the Police and the seizure had been reported to him in the manner hereinbefore mentioned.

Expenses of complainants and witnesses.

421. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Interpreter to be sworn.

422. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the truth in his interpretation of such evidence or statement.

CHAPTER XXXI.

Lunatics.

Procedure in case of accused being lunatic.

423 When any person charged with an offence before a Magistrate, competent to try the case, appears to such Magistrate to be of unsound mind and incapable of making a defence, the Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District, or some other medical officer, and thereupon shall examine such Civil Surgeon or other medical officer, and shall reduce the examination into writing.

If the Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

When accused appears to have been insane.

424. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which, if he had been of sound mind, would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of

mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall if he appear to be sane at the time of inquiry be sent for trial by the Magistrate before the Court of Session:

If the accused person is a European British subject, the Magistrate shall follow the procedure prescribed in Chapter vii.

Procedure in case of person committed before a Court of Session being lunatic.

425. If any person committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Release of lunatic pending investigation or trial.

426. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Custody of lunatic.

If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the Local Government to which the case shall be reported shall direct.

Resumption of investigation or trial.

427. Whenever an inquiry or trial is postponed under section four hundred and twenty-three or section four hundred and twenty-five, the Magistrate or Court of Session, as the case may be, may at any time resume the inquiry or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance.

The surety of such person shall be bound at any time to produce him to any officer whom the Magistrate or Court of Session appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the visitors of Lunatic Asylums, granted under section four hundred and thirty-two.

Procedure on accused appearing before Magistrate or Court of Session.

428. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it appears to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the inquiry shall proceed, or the accused person shall be put on his trial, as the case may require.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of section four hundred and twenty-three or section four hundred and twenty-five.

Finding in case of acquittal on ground of being lunatic.

429. Whenever any person is acquitted upon the ground that, at the time at which he is charged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Person so acquitted to be kept in safe custody.

430. Whenever such finding states that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session seems fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

431. When any person is confined under the provisions of section four hundred and twenty-six or section four hundred and thirty, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such Inspector General or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Procedure where lunatic prisoner is reported capable of making his defence.

432. If such person is confined under section four hundred and twenty-six, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section four hundred and twenty-eight, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 430 is declared capable of being discharged.

433. If such person is confined under the provisions of section four hundred and thirty, and such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged or to be detained in custody or to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and may appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary; and report to the Local

Parts IX & X, C. XXXI—XXXIII, ss. 434—439.

Government who may order his tention as to it may seem fit.

Delivery of lunatic to care of relative.

434. Whenever any relative or friend of any person detained under the provisions of section four hundred and thirty is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of sections four hundred and thirty-one, four hundred and thirty-two and four hundred and thirty-three shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons, or the visitors of Lunatic Asylums under the said sections.

CHAPTER XXXII.—CONTEMPTS OF COURT.

Procedure in certain cases of contempt.

435. When any such offence as is described in sections one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, or two hundred and twenty-eight of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

Procedure where Court considers that accused should be imprisoned, or fined more than 200 rupees.

436. If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a 1st class Magistrate who is a Justice of the Peace and a European British subject, and shall cause bail to be taken for the appearance of such accused person before such Magistrate, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If in the case of a European British subject, the Magistrate to whom he is forwarded considers the offence to require a more severe punishment than he is competent to award under Chapter VII of this Act, he may commit the offender to the Session Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

Discharge of offender on submission or apology.

437. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Procedure when offender is a European British subject.

438. When any such offence as is described in Chapter X of the Indian Penal Code, except sections one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty and two hundred and twenty-eight is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court by a European British subject, such offence shall be cognizable only by a Magistrate of the 1st class who is a Justice of the Peace and a European British subject, and such Magistrate may deal with the offender on conviction in the same manner as is provided in that behalf in section seventy-four.

If such Magistrate considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the Session Court.

PART X.

CHARGE, JUDGMENT, AND SENTENCE.

CHAPTER XXXIII.

OF THE CHARGE.

FORM OF CHARGES.

Charge to state offence.

439. The charge shall state the offence with which the accused person is charged.

Specific name of offence, sufficient statement.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

How stated where offence has no specific name

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the prisoner notice of the matter with which he is charged.

The Act and section or sections of the Act against which the offence is said to have been committed must be noted in the margin of the charge.

What implied in charges.

The fact that the charge is made shall be equivalent to a statement that every legal condition necessary by law to constitute the offence charged was fulfilled in the particular case.

Illustrations.

(a). A is charged with the murder of B.

This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the Penal Code; and that it did not fall within any of the five exceptions to section 300, or that if it did fall within exception 1, one or other of the three provisos to that exception applied to it.

(*b*). A is charged under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting: this is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*). A is accused of murder, cheating, theft, extortion, adultery or intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion or adultery, or intimidation, or that he used a false property-mark without reference to the definitions of those crimes contained in the Indian Penal Code, but the sections by which they are defined must be noted in the margin.

(*d.*) A is charged under section 184 of the Indian Penal Code with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time, place and person.

440. The charge shall contain such particulars as to the time and place of the alleged offence and the person against whom it was committed as are reasonably sufficient to give notice to the person accused of the matter with which he is charged.

When manner of committing offence must be stated.

441. When the nature of the case is such that the particulars mentioned in sections four hundred and thirty nine and four hundred and forty do not give sufficient notice to the person accused of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(*a.*)—A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b.*)—A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c.*)—A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d.*)—A is accused of obstructing B, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e.*)—A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f.*)—A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Forms in schedule.

442. The charge may be in the form given in the third schedule to this Act or to the like effect.

Effect of errors.

443. No error either in the way in which the offence is stated or in the particulars required to be stated in section four hundred and forty-one, and no omission to state the offence or to state those particulars shall be regarded at any stage of the case as material unless the person accused was in fact misled by such error or omission.

Illustrations.

(*a.*)—A is charged under section 242 of the Indian Penal Code with "having been in possession of counterfeit coin having known at the time when he became possessed thereof that such coin was counterfeit." The word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b.*)—A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material

(*c.*)—A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was in this case a material error.

(*d.*)—A is charged with the murder of Khuda Baksh on the 21st January. In fact the person's name was Haidar Baksh and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that he was not misled, and that the error in the charge was immaterial.

(*e*)—A was charged with murdering Haidar Baksh on the 20th January and Khuda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh he was tried for the murder of Khuda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that he was misled, and that the error was material.

Prisoner may apply for amendment.

444. Any accused person may apply to the Court by which he is to be tried for any amendment of the charge made against him, and in considering whether any error in any charge did in fact mislead the person accused, the Court shall take into account the fact that he did or did not make such an application.

Court may amend.

445. Any Court may, either upon the application of the accused person or upon its own motion, amend or alter any charge at any stage of the proceedings. Such amendment shall be read and explained to the accused person.

How Court of Session may deal with charge.

446. If a prisoner is committed to the Court of Session, either without any charge at all, or upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court of Session may draw up a charge for any offence which it considers to be proved by the evidence taken before the committing Magistrate, a copy of which charge shall be given to the person accused.

When trial may proceed immediately after amendment.

447. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When new trial may be directed or trial suspended.

448. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new

trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

Defendant may recall witnesses.

449. In all cases of amendment or alteration of a charge, the prosecutor and accused person shall be allowed to recall and examine any witness who may have been examined.

Previous sanction to be obtained if offence in new charge require it.

450. If the offence stated in the new charge be one for which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new charge was based.

Effect of material error.

451. If any Appellate Court, or the High Court in the exercise of its powers of revision is of opinion that any person convicted of any offence was in fact misled in his defence by any error in the charge, it shall direct a new trial upon a charge amended in whatever manner it thinks proper. If it is of opinion that the facts of the case are such that no valid charge could be preferred against the person accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 188 of the Indian Penal Code upon a charge which omits to state that A knew that he was directed to abstain from a certain act by an order promulgated by a public servant lawfully empowered to promulgate such order. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

JOINDER OF CHARGES.

Separate charges for distinct offences.

452. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately except in the cases hereinafter excepted.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft, and the causing grievous hurt.

More offences of one kind may be charged in a year.

453. When a person is accused of more offences than one of the same kind committed within one year of each other, he may be charged and tried at the same time for any number of them not exceeding three.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section four hundred and fifty-five.

Facts forming a connected transaction.

454. If in one set of facts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

Illustration.

A breaks into a house, murders the owner, steals his property, and injures a policeman who tries to arrest him. He may at one time be charged with and tried for house-breaking, murder, theft and hurt.

Where it is doubtful what offence has been committed.

455. If a single act or set of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the person accused may be charged with having committed any such offence, and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust, or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft or criminal breach of trust or cheating.

When a person charged with one offence he can be convicted of another.

456. If in the case mentioned in the last section, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed criminal breach of trust or receiving stolen goods. He may be convicted of criminal breach of trust or receiving stolen goods though he was not charged with it.

When offence proved included in offence charged.

457. When a person is charged with an offence and part of the charge is not proved, but the part which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed though he was not charged with it.

Illustrations

(*a*).—A is charged under section 407, Indian Penal Code with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b*).—A is charged with murder. He may be convicted of culpable homicide or of causing death by negligence.

What persons may be charged jointly

458. When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one person is accused of committing any offence and another of abetment or attempt of such offence, they may be charged and tried together or separately as the Court thinks proper, and the provisions hereinbefore contained shall apply to all such charges.

Illustrations.

(*a.*)—A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b.*)—A and B are accused of a robbery in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c.*)—A and B are both charged with a theft, and B is charged with two other thefts committed by him within the year. They may be both tried together on a charge, charging both with the one theft, and B alone with the two others.

Withdrawal of remaining charges on conviction on one of several charges.

459. In trials before a Court of Session or High Court, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the inquiry into the remaining charge or charges.

PREVIOUS ACQUITTALS OR CONVICTIONS.

Person once convicted or acquitted not to be tried for same offence.

460. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again on the same facts for the same offence, nor for any other offence for which a different charge from the one made against him might have been made under section four hundred and fifty-five, or for which he might have been convicted under section four hundred and fifty-six.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section four hundred and fifty-four.

A person acquitted or convicted of any offence in respect of any act causing consequences which together with such act constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence if the consequences had not happened or were not known to the Court to have happened, at the time when he was acquitted or convicted.

Illustrations.

(*a.*)—A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged upon the same facts either with theft as a servant, with theft simply, or with criminal breach of trust.

(*b.*)—A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that robbery was committed, he may afterwards be charged with and tried for robbery.

(*c.*)—A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(*d.*)—A is tried under section 270 of the Indian Penal Code, for malignantly doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged under section 325 with voluntarily causing grievous hurt to that person.

CHAPTER XXXIV.

OF THE JUDGMENT ORDER, AND SENTENCE.

Judgment to specify offence.

461. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the section of the Indian Penal Code or other law under which, he is convicted;

Judgment in the alternative.

or if it be doubtful under which of two sections or under which of two parts of the same section the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative, according to section seventy-two of the said Code.

When judgment is to be pronounced.

462. In trials with assessors, when the exhibits have been perused, the witnesses examined, and the parties heard in person or by their respective pleaders, the Court shall pronounce its judgment. The judgment shall be pronounced in open Court either immediately or on some future day of which due notice shall be given to the parties or their pleaders.

Judgment to be written in English or language of district.

463. The judgment or final order shall be written by the presiding officer of the Court in English or the language of the district.

Proviso.

If the language of the Judge be not English and the Judge be sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, and prefer to write his judgment in it, the judgment may be written in English.

Judgment what to contain.

464. The judgment or final order shall contain the point or points for determination, the finding thereupon, and the reasons for the finding, and shall be dated and signed by the Judge in open Court at the time of pronouncing it. It shall specify the offence of which the accused person is convicted, and the punishment to which he is sentenced; or, if it be a finding of acquittal, it shall direct that he be set at liberty.

The judgment or order shall be explained to the accused person, or person affected by it, and a copy shall be given him in his own language as soon as possible.

Judgment to be translated

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use in the district, shall be incorporated in the record of the judgment or order.

In trials by Jury the Court need not state its reasons for its judgment, but shall record the heads of the charge to the Jury.

If the Judge differ from the Jury and determine to submit the case to the High Court, he shall record the grounds of his opinion.

CHAPTER XXXV.

PROSECUTIONS IN CERTAIN CASES.

Prosecutions for offences against the State.

465. A complaint of an offence punishable under chapter VI of the Indian Penal Code, except section one hundred and twenty-seven, or punishable under section two hundred and ninety-four A of the said Code, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution of Judges and public servants.

466. A complaint of an offence committed by a public servant in his capacity as such public servant, of which any Judge or any public servant not removable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained

against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

No such officer or servant of Government shall be prosecuted for any act purporting to be done by him in the discharge of his duty unless with the sanction of Government.

Prosecution for contempts of the lawful authority of public servants.

467. A complaint of any offence described in chapter X of the Indian Penal Code, not falling within section four hundred and thirty-five or four hundred and thirty-six of this Act shall not be entertained in any Criminal Court except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections one hundred and eighty-nine and one hundred and ninety of the Indian Penal Code.

Prosecution for certain offences against public justice.

468. A complaint of an offence against public justice, described in section one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-six, one hundred and ninety-nine, two hundred, two hundred and five, two hundred and six, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, or two hundred and twenty-eight of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence.

469. A complaint of an offence relating to documents described in section four hundred and sixty-three, four hundred and seventy-one, four hundred and seventy-five, or four hundred and seventy-six of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Nature of sanction necessary.

470. The sanction contemplated by sections four hundred and sixty-seven, four hundred and sixty-eight, and four hundred and sixty-nine, may be expressed in general terms, and need not name the accused person.

It may be given at any time, and a sanction under any one of the three last preceding sections shall be deemed sufficient authority for the Court to amend the charge to one embracing an offence coming within either of the two remaining sections, provided the facts disclose such offence.

Procedure in cases mentioned in sections 467, 468 and 469.

471. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for inquiring into any charge mentioned in sections four hundred and sixty-seven, four hundred and sixty-eight, and four hundred and sixty-nine, the Court, after making such preliminary inquiry as may be necessary, may either commit the case itself or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such trial or inquiry.

Power of Court of Session as to such offences committed before itself.

472. A Court of Session may charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

Offences in contempt of Court how to be disposed of.

473. Except as provided in sections four hundred and thirty-five, four hundred and thirty-six and four hundred and seventy-two, no Court shall try any person for an offence committed in contempt of its own authority.

Power of Civil Courts to complete investigation and commit to Court of Session.

474. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for inquiry to a Magistrate, complete the inquiry itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of an inquiry under this section, the Civil Court may exercise all the powers of a Magistrate, and its proceeding in such inquiry shall be deemed to have been held by a Magistrate.

Procedure of Civil Court in such cases.

475. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinbefore provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other Magistrate of the 1st class, and such Magistrate shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Court may exercise all powers of Magistrate as to binding over persons to give evidence.

476. Whenever any Civil or Criminal Court commits or holds to bail any person for trial under sections four hundred and seventy-two, four hundred and seventy-four, or four hundred and seventy-five, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court.

477. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

Prosecution for adultery.

478. A complaint of an offence under section four hundred and ninety-seven of the Indian Penal Code shall not be instituted except by the husband of the woman, or by any person under whose care she was living at the time when the adultery was committed.

Prosecution for enticing away a married woman.

479. A complaint of an offence under section four hundred and ninety-eight of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

PART XI.

PREVENTIVE JURISDICTION OF MAGISTRATES.

CHAPTER XXXVI.

OF THE DISPERSION OF UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of Magistrate or Police officer.

480. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse, and it shall thereupon be the duty of the members of such unlawful assembly to disperse accordingly.

Use of force to disperse.

481. If upon being so commanded any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station may proceed to disperse it by force, and may require the assistance of any person, other than any troops of Her Majesty acting as such, for the purpose of dispersing it, and apprehending the persons who form part of it.

Use of Military Force.

482. If an unlawful assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by Military Force.

When use of Military Force is not an offence.

483. No Magistrate shall be held to commit any offence by ordering the dispersion by Military Force of any assembly the dispersion of which he regards on reasonable grounds and in good faith as necessary to the public security.

Duty of officer commanding troops required by Magistrate to disperse assembly.

484. When a Magistrate determines to disperse an assembly by Military Force, he may require any officer in command of any of Her Majesty's Troops to disperse such assembly by such force, and it shall be the duty of every such officer to obey every such requisition in such manner as in his discretion may appear proper; but in doing so he shall use as little force and do as little injury to person and property as is consistent with dispersing the assembly and arresting and detaining such persons as he may be directed by the Magistrate to arrest and detain.

What acts done in obeying requisition not an offence.

485. No officer obeying any such requisition shall be held to have committed any offence by any act done by him in good faith in order to comply with it.

Acts of inferior officers and soldiers done in obedience to order not an offence.

486. No inferior officer or private soldier shall be held to have committed any offence by any act done for the dispersion of any such assembly in obedience to any order which he was bound by the Mutiny Act or by the Indian Articles of War to obey.

Duty of Queen's officers to suppress assembly.

487. When the public security is manifestly endangered by an unlawful assembly, and when no Magistrate can be communicated with, any Commissioned Officer of Her Majesty's Forces may disperse any such assembly by military force, and in doing so, he shall have the same protection as a Magistrate, but as soon as he can communicate with any Magistrate, it is his duty to do so.

Sanction required to prosecutions for acts done under sections 481, 482, 484 and 487.

488. No prosecution against any Magistrate, officer or soldier for any act done under the provisions contained in sections four hundred and eighty-one, four hundred and eighty-two, four hundred and eighty-four and four hundred and eighty-seven shall be entertained in any Criminal Court except with the sanction of the Local Government.

CHAPTER XXXVII.

OF SECURITY FOR KEEPING THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

489. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence before any Court of Session, or Magistrate of a division of a District, or a Magistrate of the 1st class,

and the Court or Magistrate as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session, with a provision that if the same be not given the person required to enter into the engagement shall be kept in custody for any time not exceeding one

year if the order be passed by a Magistrate, or three years if the order be passed by the High Court or by a Court of Session unless he bind himself within such period:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance and the imprisonment in default of executing such recognizance shall commence when he is released on the expiration of his sentence.

Where convicting officer is not in charge of division of district nor a Magistrate of 1st class.

When any accused person is convicted of any offence specified in this section by a Magistrate neither in charge of a division of a District nor of the 1st class, such Magistrate, if he considers it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, the Magistrate of the division of the District or to a 1st class Magistrate to whom such Magistrate is subordinate, who shall deal with the case as if the conviction had been before himself.

Security to keep the peace.

490. Whenever it appears necessary to require security for keeping the peace in addition to the personal recognizance of the party so convicted, the Court or Magistrate, empowered to require a personal recognizance, may require security in addition thereto, and fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District, Magistrate of a Division of a district, or by a 1st Class Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

Summons to any person to show cause why he should not give bond to keep peace.

491. Whenever a Magistrate of a division of a District, or a Magistrate of the 1st class, receives credible information that any person is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, he may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

EXPLANATION.—A summons calling on a person to show cause why he should not be bound over to keep the peace may be issued on any report or other information which appears reliable and which the Magistrate believes, but the Magistrate cannot bind over a person until he has adjudicated on evidence before him.

Form of summons.

492. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Penalty of bond.

493. The bond shall be in the Form (E) given in the second schedule, or to the like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and of the means of the party.

The amount in which the sureties shall be bound shall not exceed the penalty.

Warrant of arrest.

494. If the person summoned does not attend on the day appointed, such Magistrate, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Provided that, whenever it appears to such Magistrate, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate may at any time issue a warrant for his arrest.

Magistrate may dispense with personal attendance of person informed against.

495. The Magistrate may, if he see sufficient cause, dispense with the personal attendance of the person informed against, and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

Discharge of person informed against.

496. If on the appearance of the person informed against, or of his agent, if he is permitted to appear by agent, the Magistrate is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate shall direct his discharge.

Non-compliance with order to give bond.

497. If the Magistrate is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate may commit him to prison until he furnish the same.

Time for which person may be bound to keep peace.

498. The period for which the Magistrate may bind a person to keep the peace with or without security, shall not exceed one year.

Limit of imprisonment under section 497.

When a person is committed to prison under section four hundred and ninety-seven, he shall not be detained by authority of the Magistrate beyond the term of one year, and shall be released whenever within that term he complies with the order.

Extension of time for which person may be bound.

499. Whenever it appears to the Magistrate that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.

Such Court, after examining the proceedings of the Magistrate, and making such further injury as it thinks necessary, may, if it see cause, authorize the Magistrate to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

Discharge of recognizances.

500. The Magistrate of the District may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken by him, or by one of his subordinates, or by his predecessor under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of sureties.

501. A surety for the peaceable conduct of another person may at any time apply to the Magistrate to be relieved from his engagement as surety.

On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

Recovery of penalty from principal.

502. Whenever it is proved before the Magistrate that any recognizance or other bond taken under this chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause be not shown and the penalty be not paid, the Magistrate shall proceed to recover the same by issuing a warrant for the attachment and sale of any of the moveable property belonging to the person bound by the recognizance or other bond.

Such warrant may be executed within the jurisdiction of the Magistrate of the District in which it was issued, and it shall authorize the distress and sale of any moveable property belonging to the person bound without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate in the civil jail for a period not exceeding six months.

Recovery of penalty from surety.

503. Whenever it is proved before the Magistrate that any bond with a surety has been forfeited, the Magistrate may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER XXXVIII.

Of Security for good Behaviour.

When Magistrate may require security for good behaviour for six months.

504. Whenever it appears to the Magistrate of the District, or to a Magistrate of the 1st class, that any person is lurking within his jurisdiction, or who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate may require such security for his good behaviour for a period not exceeding six months as to him may appear good and sufficient.

When Magistrate may require security for good behaviour for one year

505. Whenever it appears to such Magistrate from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood, or is a dangerous character,

such Magistrate may require similar security for his good behaviour for a period not exceeding one year.

Procedure where security required for more than one year.

506. Whenever it appears to such Magistrate from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,

he shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number, character, and class of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

Proceedings to be laid before Court of Session.

507. If a person required to furnish security, under the provision of the last preceding section, does not furnish the same or offers sureties whom the Magistrate sees fit to reject, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of such Magistrate as it judges proper.

Court of Session may require security for period not exceeding three years.

508. If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Contents of order for security.

509. Whenever security for good behaviour is required by the Court of Session or by a competent Magistrate, the amount, the security, the number and description of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

The security-bond shall be in the Form (G) given in the second schedule, or to the like effect.

Imprisonment in default of security.

510. In the event of any person required to give security under the provisions of the foregoing sections failing to furnish the security so required, he shall be committed to prison until he furnish the same.

Part XI, C.XXXVIII & XXXIX, ss. 511—519.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Term of imprisonment.

Imprisonment under this section may be rigorous or simple, as the Court in each case directs.

511. The Magistrate of the District is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

Release of prisoners under requisition of security.

512. Whenever the Magistrate of the District as aforesaid is of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, such Magistrate shall make an immediate report of the case for the orders of such Court of Session.

Report in case of prisoner under requisition of security by order of Court of Session.

513. A surety for the good behaviour of a person may at any time apply to a competent Magistrate to be relieved from his engagement as surety.

Discharge of surety.

On such application being made, such Magistrate shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, such Magistrate shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

514. Whenever a competent Magistrate is of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

Recovery of penalty from sureties.

If no sufficient cause be shown, such Magistrate shall proceed to recover the penalty from such surety by issuing a warrant for the attachment and sale of any moveable property belonging to him. Such warrant may be executed within the jurisdiction of the Magistrate of the District in which it was issued, and it shall authorize the distress and sale of any moveable property belonging to such surety without the jurisdiction of the said Magistrate when endorsed by the Magistrate of the District in which such property is situated.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of such Magistrate in the civil jail for a period not exceeding six months.

515. The provisions of sections four hundred and ninety-two and four hundred and ninety-four relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, when such party is not in custody, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour:

Issue of summons and warrant of arrest.

And any evidence taken under Part XI, Chapter XXXVII or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

Manner of taking evidence under Part XI, Chapter XXXVII or this chapter.

516. It shall be competent to a Magistrate to refuse to accept any surety offered under this chapter on the ground that such surety is an unfit person.

Sureties may be rejected on the ground of character.

517. The provisions of this chapter shall not apply to European British subjects.

Chapter not applicable to European British subjects.

CHAPTER XXXIX.

Local Nuisances.

518. A Magistrate of the District, or a Magistrate of a division of a District, or any Magistrate specially empowered, may, by a written order, direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such Magistrate considers that such direction is likely to prevent, or tends to prevent,

Magistrate may issue orders to prevent obstructions, danger to human life, or riots.

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety,

or a riot or an affray.

Explanation I.—This section is intended to provide for cases where a speedy remedy is desirable and where the delay, which would be occasioned by a resort to the procedure contained in section five hundred and twenty-one and the following provisions, would, in the opinion of the Magistrate, occasion a greater evil than that suffered by the individual upon whom the order was made, or would defeat the intention of this chapter.

Explanation II.—An order may in emergent cases, or in cases where the circumstances do not admit of the serving of notice, be passed *ex parte*, and may in all cases be made upon such information as satisfies the Magistrate.

Explanation III.—An order may be directed to a particular individual; or to the public generally when frequenting or visiting a particular place.

Explanation IV.—Any Magistrate may recall or alter any order made by him or by his predecessor in the same office.

519. A Magistrate of the District, or a Magistrate of a division of a District, or any Magistrate specially empowered, may enjoin any person not to repeat or continue a public nuisance, as defined in section two hundred and sixty-eight of the Indian Penal Code and under any Local or Special Law.

Magistrate may prohibit repetition or continuance of public nuisances.

Orders not judicial proceedings.

520. Orders made under sections five hundred and eighteen and five hundred and nineteen are not judicial proceedings.

Magistrate may order removal of nuisances.

521. Whenever the Magistrate of a District or the Magistrate of a division of a District, or, when empowered by the Local Government in this behalf, a Magistrate of the 1st class, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building, or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other Magistrate of the 1st or 2nd class within the time mentioned in the order, and show cause why such order should not be enforced.

Service or notification of order.

522. The order mentioned in section five hundred and twenty-one shall, if practicable, be served personally on the person to whom it is issued.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

Person ordered shall obey or may claim a jury.

523. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear and show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Constitution of jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

Suspension of order.

The execution of the order shall be suspended pending such inquiry, and the Magistrate who issued the order or before whom the person appears shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

Procedure in case of non-appointment of or neglect by jury.

If the applicant by neglect or otherwise prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

Attendance of jury.

524. Such Magistrate may summon so many jurors as may be necessary, and such persons shall be bound to attend and make their inquiry and report.

Any juror failing to attend or neglecting his duty as a juror shall be liable to be dealt with under section one hundred and seventy-four of the Indian Penal Code.

Procedure in case of disobedience or neglect by person ordered.

525. If the person to whom the order mentioned in section five hundred and twenty-one is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section one hundred and eighty-eight of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid within or without his jurisdiction. If the goods are without his jurisdiction, the order shall authorize their attachment and sale when endorsed by the Magistrate in whose jurisdiction the goods are attached.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

Procedure where jury finds Magistrate's order to be reasonable.

526. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate who issued the order or before whom cause was shown shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the aforesaid order within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section one hundred and eighty-eight of the Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section five hundred and twenty-five.

the person to whom the order of the Magistrate is issued appears and shows cause against it so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Where person satisfies Magistrate order is not reasonable.

528. If, pending the inquiry by a jury, the Magistrate who issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section five hundred and twenty-one, as is required to obviate or prevent such danger or injury.

Injunction pending inquiry by jury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

529. Nothing in this chapter shall interfere with the provisions of section forty-eight of Act No. XXIV of 1859 *(for the better regulation of the police within the territories subject to the Presidency of Fort St. George)*, or of section thirty-four of Act No. V of 1861 *(for the regulation of Police)*, or of section sixteen of Act No. VIII of 1867 *(for the regulation of the District Police in the Presidency of Bombay)*, of the Governor of Bombay in Council.

Saving of certain statutory provisions.

CHAPTER XL.

POSSESSION.

530. Whenever the Magistrate of the District, or Magistrate of a division of a District or Magistrate of the first class, is satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land or the boundaries of any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by such Magistrate, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

The Magistrate as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

Party in possession to be continued until ousted by due course of law.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

EXPLANATION.—The Magistrate may satisfy himself of the existence of a dispute likely to induce a breach of the peace from a report or other information, but the question of possession must be decided on evidence taken before him.

531. If such Magistrate decides that neither of the parties is in possession, or is unable to satisfy himself as to which person is in possession of the subject of dispute, he may attach it until a competent Civil Court shall have determined the rights of the parties or who ought to be in possession.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

532. If a dispute arise concerning the right of use of any land or water, such Magistrate within whose jurisdiction the subject of dispute lies, may inquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, such Magistrate may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Disputes concerning right of use of land or water.

Provided that such Magistrate shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the inquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

533. Whenever a local inquiry is necessary for the purposes of this chapter, any Magistrate of the first class may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

Local inquiry to determine boundary dispute.

534. Whenever in any Criminal Court any person is convicted of an offence attended with Criminal force, and it appears to such Court that by such Criminal force any person has been dispossessed of any immoveable property, the Court may order such person to be restored to possession.

Power to restore possession of immoveable property.

No such order shall prejudice any right over such immoveable property which any person may be able to show in a civil suit.

535. Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Court.

Saving of powers of Collectors and Revenue Courts.

Parts XI & XII, C. XLI & XLII, ss 536—541.

CHAPTER XLI.

OF THE MAINTENANCE OF WIVES AND FAMILIES.

Order for maintenance of wives and children.

536. If any person having sufficient means, neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or a Magistrate of a division of a District or a Magistrate of the first class may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to such Magistrate seems reasonable.

Enforcement of order.

If such person wilfully neglects to comply with this order, such Magistrate may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; and may order him to be imprisoned with or without hard labor for any term not exceeding one month for each month's allowance remaining unpaid:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, such Magistrate may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

Alteration in allowance.

537. On the application of any person receiving or ordered to pay a monthly allowance under the provisions of section five hundred and thirty-six, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit, provided the total sum of rupees fifty a month be not exceeded.

Enforcement of order.

538. A copy of the order of maintenance shall be given to the payee and shall be enforceable by any Magistrate in any place where the payee may be, on the Magistrate being satisfied as to the identity of the parties and the non payment of the sum claimed.

PART XII.

MISCELLANEOUS PROVISIONS.

CHAPTER XLII.

MISCELLANEOUS.

Procedure in miscellaneous criminal cases and proceedings.

539. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which are instituted in any Court.

Saving of jurisdiction of Presidency Police Magistrates.

540. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Magistrates or Commissioners of Police, in the Presidency Towns except so far as this Act expressly provides for the same.

Saving of jurisdiction and procedure of Landholders, Heads of Villages, Village Police Officers, Cantonment Magistrates.

541. Nothing in this Act shall be held to alter or affect—

(*a*) the jurisdiction, or procedure of landholders specially empowered according to law in the Presidency of Bombay,

(*b*) the jurisdiction or procedure of the heads of villages in the Presidency of Fort Saint George,

(*c*) the jurisdiction, or procedure of village Police Officers in the Presidency of Bombay,

(*d*) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in military bazars at cantonments and stations occupied by the troops of those Presidencies respectively.

SCHEDULE I.

ENACTMENTS REPEALED.

PART I.—STATUTE.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. iii, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Section one hundred and five.

PART II.—ACTS.

Number and Year.	Subject or Title.	Extent of repeal.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Sections three, four, five and six.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	So much as has not been repealed.
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.
VII of 1853	An Act to extend the jurisdiction of Magistrates, under the 53rd Geo iii, Cap. 155, Section 105 in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.	The whole Act.
X of 1854	An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.	So much as has not been repealed.

SCHEDULE I.

PART II —ACTS —(*continued*)

Number and Year.	Title	Extent of repeal.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal	Section fifty-eight
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter	So much as has not been repealed.
XVII of 1862	An Act to repeal certain Regulations and Acts altering to Criminal Law and Procedure	So much as has not been repealed.
VI of 1864	An Act to authorise the punishment of whipping in certain cases	Sections eight eleven and twelve.
XXVIII of 1867.	An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North Western Provinces	The whole Act.
XXXVI of 1867.	An Act to correct an error in Act No XVII of 1862	Ditto
VIII of 1869	An Act further to amend the Code of Criminal Procedure	Ditto
XXVII of 1870.	To amend the Indian Penal Code.	Sections sixteen and seventeen, and the two schedules
XIX of 1871	An Act to provide for the appointment of Sessions Judges in Bengal and the North Western Provinces	Sections one, two, three four, five and six.

PART III —REGULATIONS.

BENGAL REGULATIONS.

Number and Year	Title.	Extent of repeal
IX of 1793 ..	A Regulation for re enacting, with Alterations and Modifications the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors	Sections three and thirty-four.
VI of 1810...	A Regulation for defining the penalties to which Zemindars and others shall be subject for neglecting to give due information of robberies and for harbouring robbers.	So much as has not been repealed.
XVI of 1810	A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates, to provide for the Appointment of Joint and Assistant Magistrates, and to alter the provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders	Ditto
I of 1811 ...	A Regulation for making more adequate Provision for the punishment of persons found guilty of the Offence of breaking into Houses, Tents or Boats, for subjecting to exemplary Punishment Persons receiving or purchasing Plundered or Stolen Property, and for granting licenses to Gold or Silversmiths, Braziers or Coppersmiths, Ironsmiths, Pawnbrokers, retail Venders of Brass or Copper-wares, and Pykars or itinerant dealers in Second hand Articles.	Ditto

SCHEDULE I.

PART III —REGULATIONS —(*continued*)

Number and Year.	Title	Extent of repeal.
III of 1812..	A Regulation for amending some of the Rules at present in force in regard to the conduct of inquiries into charges of a criminal nature and for Establishing additional provisions with a view to the more effectual apprehension of Criminals	Section four.
VIII of 1814	A Regulation for extending the Provision contained in Clause Second, Section IV, Regulation III, 1812, to cases of Murder, Arson and Theft.	So much as has not been repealed
XX of 1817	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other Subordinate Officers of Police, for modifying the existing Rules concerning the Resistence or Evasion of Criminal Process and for requiring further aid to the Police in certain cases from Proprietors and Farmers of Land and their Local Managers, as well as from the Mundals and other Heads of Villages.	Section thirty-three, clause one
XVII of 1829	A Regulation for declaring the practice of Suttee or of Burning or Burying alive the Widows of Hindoos, illegal and punishable by the Criminal Courts	Section three, clause one from and including the words "and any zemindar" to the end of the clause. Clauses two and three.

MADRAS REGULATIONS.

IX of 1816	A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah	Sections three, four and five
II of 1827	A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exercised by Subordinate Collectors.	Section five.
VIII of 1827	A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.	So much as has not been repealed.

SCHEDULE I.

PART III.—REGULATIONS.—(*continued.*)

Number and Year.	Title.	Extent of repeal.
I of 1830 ..	A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.	The preamble. Section three, clause one, from "and any zemindar" to the end; clauses two and three. And sections four and five.
	BOMBAY REGULATIONS.	
XII of 1827 .	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	Section ten, clause four.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof	Sections one two, three seven, eight, nine, fourteen, clause four, fifteen, clause one. Sections twenty-seven and twenty-eight.
III of 1830. .	A Regulation rescinding Regulations VIII and XII of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.	Sections two and six.
IV of 1830...	A Regulation rescinding such Parts of Regulation XII of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	Section two.

SCHEDULE II.—FORMS.

A.

FORM OF SUMMONS (*section* 152).

To *A. B.*, of

Whereas your attendance is necessary to answer to a charge of *(state shortly the offence charged):* You are hereby required to appear in person or by authorized agent, as the case may be, before the [Magistrate] of on the day of Herein fail not.

(*Signature and Seal.*)

Dated the day of

B.

FORM OF WARRANT (*section* 159).

To *(name and designation of the person or persons who are to execute the warrant).*

Whereas of stands charged with the offence of (*state the offence*) : You are hereby directed to apprehend the said and produce him before me. Herein fail not.

(Signature and Seal.)

This warrant may be endorsed as follows :—

If the said shall give bail, himself in the sum of with one surety in the sum of (*or* two sureties each in the sum of) appear before me on the day of he may be released.

(Signature.)

Dated

C.

FORM OF WARRANT OF COMMITMENT FOR INTERMEDIATE CUSTODY (*sections* 196, 197 *and* 303).

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged*) and has been committed to take his trial before the Court of

at

You are hereby required to receive the said into your custody and to produce him before the said Court when so required.

(Signature.)

(Office and powers.)

Dated

D.

FORM OF WARRANT OF COMMITMENT (*section* 303).

To Jailor of

Whereas of was convicted before me (*name and official designation*) of the offence of (*mention the offence quoting Act and section*) and was sentenced to (*state the punishment fully and distinctly, mentioning its nature and extent*); You are hereby required to receive the said into your custody in the said jail of together with this warrant, and there carry the aforesaid sentence into execution according to law.

(*Signature.*)

Dated the day of

E.

FORM OF BOND TO KEEP THE PEACE (*section* 493).

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

F.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (*sections* 130 and 360).

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next and then and there to prosecute (*or as the case may be*, to prosecute and give evidence, *or* to give vidence) in the matter of a charge of against one *A. B.*, and to attend at the said Court from day to day or as I may be otherwise directed by the presiding officer; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

G.

FORM OF BOND FOR GOOD BEHAVIOUR (*section* 509).

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

SCHEDULE III.

(I.)—CHARGES WITH ONE HEAD.

(*a.*) I [*name and office of Magistrate, &c.,*] hereby charge you [*name of accused person*] as follows:—

On Penal Code, section 121.

(*b.*) That you, on or about the day of at , waged war against the Queen, and thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

(*c.*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

[*To be substituted for* (*b*).]

On section 124

(2.) That you, on or about the day of at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful

power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 161.

(3.) That you, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 304.

(4.) That you, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 306.

(5.) That you, on or about the day of at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 325.

(6.) That you, on or about the day of at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 392.

(7.) That you, on or about the day of at , committed robbery, an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 395.

(8.) That you, on or about the day of at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 166.

(9.) That you, on or about the day of at did (or omitted to do, as the case may be) such conduct being contrary to the provisions of Act Section , and was known by you to be prejudicial to and thereby committed an offence punishable under Section 166 of the Indian Penal Code and within the cognizance of the Court of Session.

On section 193.

(10.) That you, on or about the day of at in the course of the trial of before stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under Section 193 of the Indian Penal Code and within the cognizance of the Court of Session.

In cases tried by Magistrates substitute "within my cognizance" for "within the cognizance of the Court of Session." In (*d*) omit "by the said Court."

(II.)—CHARGES WITH TWO OR MORE HEADS.

(*a*). I [*name and office of Magistrate, &c.,*] hereby charge you [*name of accused person*] as follows:—

On Penal Code, sections 241 and 242

(*b*). *First.*—That you, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly.—That you, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

(*c*) and I hereby direct that you be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

On sections 302 and 304.

For (*b*). *First.*—That you, on or about the day of at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly.—That you, on or about the day of at , by causing the death of , committed culpable homicide, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 379 and 382.

For (*b*). *First.*—That you, on or about the day of at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly.—That you, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly.—That you, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly.—That you, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Alternative charges on section 193.

For (*b*). That you, on or about the day of at in the course of the inquiry into before stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code and within the cognizance of the Court of Session.

and that you, on or about the day of at in the course of the trial of before stated in evidence that " " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code and within the cognizance of the Court of Session.

In trials before Magistrates substitute "within my cognizance" for "within the cognizance of the Court of Session;" and omit "by the said Court."

SCHEDULE IV.

Explanatory Notes.—*1st.*—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code; or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2nd.—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 388 and 389 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4th.—The words "any Magistrate," as used in column 7, shall include any Magistrate of the 1st or 2nd or 3rd class.

5th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

6th.—The last part of the schedule, headed "Offences against other Laws," shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

7th.—Column 4 is meant to indicate to Magistrates the manner in which the discretion vested in them by sections 148, 149 and 150 is commonly to be used, but it is not to affect the definition of summons cases and warrant cases given in section 4.

CHAPTER V.—OF ABETMENT.

1 Section.	2 OFFENCE	3 Whether the Police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code	7 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER V.—OF ABETMENT—continued.

1 Section.	2 Offence	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
111	When one act is abetted and a different act is done, subject to the proviso.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence intended to be abetted.	By the Court by which the offence abetted is triable.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto -	Ditto -	Ditto -	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed-	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto -	Ditto -	Not bailable	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto -	Ditto -	Ditto -	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.

	If the abettor or the person abetted be a public servant, whose duty is to prevent the offence.	Ditto -	Ditto -	Ditto -	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto -	Ditto -	According as the offence abetted is bailable or not.	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed - -	Ditto -	Ditto -	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto -	Ditto -	Ditto -	Imprisonment extending to ¼ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed - - -	Ditto -	Ditto -	Ditto -	Imprisonment extending to ⅛ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant -	Not bailable-	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto -	Ditto -	Ditto -	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
124A	Exciting, or attempting to excite, disaffection -	Ditto -	Ditto -	Ditto -	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto -	Ditto -	Ditto -	Transportation for life and fine, or imprisonment of either description for 7 years, and fine, or fine.	Ditto.

126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto -	Ditto -	Bailable -	Simple imprisonment for three years, and fine.	Court of Session, or Magistrate of 1st class.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto -	Ditto -	Ditto -	Death or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
134	Abetment of such assault, if the assault is committed	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
136	Harbouring such an officer, soldier, or sailor who has deserted.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons -	Ditto -	Fine of 500 rupees - -	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY.

143	Being member of an unlawful assembly -	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

144	Joining an unlawful assembly armed with any deadly weapon.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
147	Rioting - - - -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
148	Rioting armed with a deadly weapon -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ..	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto -	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto -	Summons -	Bailable -	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	May arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed - - -	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto -	Ditto -	Fine of 1,000 rupees - -	Magistrate of the 1st or 2nd class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto -	Ditto -	Ditto -	Fine - - -	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	Or to go armed - - -	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

160	Committing affray - - -	Shall not arrest without warrant.	Summons -	Ditto -	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant	Summons -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, or fine, or both	Magistrate of the 1st class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
168	Public servant unlawfully engaging in trade -	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 year, or fine, or both.	Magistrate of 1st class.
169	Public servant unlawfully buying or bidding for property.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant -	May arrest without warrant.	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magte. of the 1st or 2nd class.
	If summons, &c., require attendance in person in a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXII of this Code, or if not committed in a Court, a Magistrate of the 1st or 2nd class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the 1st or 2nd class.
	If the notice or information required respects the commission of an offence, &c.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of Chapter XXXII of this Code, or if not committed in a Court, a Magistrate of the 1st or 2nd class.

179	Being legally bound to state truth, and refusing to answer questions.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the 1st or 2nd Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Shall not arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Magistrate of the 1st or 2nd class.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto -	Ditto -	Ditto -	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate, 1st class.

	Giving or fabricating false evidence in any other case.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto -	Ditto -	Not bailable	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto -	Ditto -	Ditto -	Death, or as above -	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto -	Ditto -	Ditto -	The same as for the offence -	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto -	Ditto -	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Court of Session or Magistrate, 1st class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence	Ditto -	Ditto -	Bailable -	The same as for giving false evidence	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto -	Ditto -	Ditto -	Ditto -	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto -	Ditto -	Ditto -	Ditto -	Ditto.
200	Using as true any such declaration known to be false.	Ditto -	Ditto -	Ditto -	Ditto -	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant. rant.	Warrant -	Bailable -	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation, or imprisonment for ten years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class
	If punishable with less than 10 years' imprisonment.	Ditto -	Ditto -	Ditto -	Imprisonment for quarter of the longest term, and of the description provided for the offence, or fine, or both.	By the Magt. of the 1st class or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the 1st or 2nd class.
203	Giving false information respecting an offence committed.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto -	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st class.

205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the 1st class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto -	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st class.
209	False claim in a Court of Justice -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto -	Ditto -	Ditto -	Ditto - -	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Court of Session or Magistrate, 1st class.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or with imprisonment for 10 years.	May arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class.
	If punishable with imprisonment for 1 year, and not for 10 years	Ditto -	Ditto -	Ditto -	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the 1st class, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
	If with imprisonment for less than 10 years ...	Ditto -	Ditto -	Ditto -	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By a Magistrate of the 1st class, or by the Court by which the offence is triable.

214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class.
	If with imprisonment for less than 10 years ...	Ditto -	Ditto -	Ditto -	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By a Magte. of the 1st class, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session or Magistrate of the 1st class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Ditto.
	If with imprisonment for 1 year and not for 10 years.	Ditto -	Ditto -	Ditto	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By a Magte. of the 1st class, or by the Court by which the offence is triable.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1. Section	2 Offence.	3 Whether the Police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magte of the 1st or 2nd class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life, or imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the 1st class.

	If with imprisonment for less than 10 years -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, with or without fine.	Magte. of the 1st or 2nd class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
223	Escape from confinement negligently suffered by a public servant.	Ditto -	Summons -	Ditto -	Simple imprisonment for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the 1st class.
	If charged with a capital offence - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If under sentence of death - -	May arrest without warrant.	Warrant -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
225A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for one year, or fine, or both.	Magistrate of 1st or 2nd class.
226	Unlawful return from transportation -	Ditto -	Ditto -	Not bailable-	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons -	Ditto -	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto -	Ditto -	Bailable -	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter XXXII of this Code.

229	Personation of a juror or assessor -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of 1st class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
	If Queen's Coin - - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Court of Session.
236	Abetting in India the counterfeiting out of British India of Coin.	Ditto -	Ditto -	Ditto -	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
237	Import or export of counterfeit Coin knowing the same to be counterfeit.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	May arrest without warrant.	Warrant -	Not bailable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of the 1st class.
240	The same with respect to the Queen's Coin -	Ditto ,	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Magistrate of the 1st or 2nd class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st class

244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the 1st class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Ditto.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magte. of the 1st or 2nd class.
255	Counterfeiting a Government stamp -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
258	Sale of counterfeit Government stamp -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session, or Magistrate of the 1st class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

262	Using a Government stamp known to have been before used.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.
263	Erasure of mark denoting that stamp has been used.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
265	Fraudulent use of false weight or measure -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 6 months, or fine, or both.	Magte. of the 1st or 2nd class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
271	Knowingly disobeying any quarantine rule -	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the 1st or 2nd class.
272	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

278	Making atmosphere noxious to health -	Shall not arrest without warrant.	Ditto -	Ditto -	Fine of 500 rupees - -	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st or 2nd class.
281	Exhibition of a false light, mark, or buoy -	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 7 years, or fine or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the 1st or 2nd class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto -	Ditto -	Ditto -	Fine of 200 rupees - -	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant	Ditto -	Ditto -	Ditto - - -	Any Magistrate
286	So dealing with any explosive substance -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
287	So dealing with any machinery - -	Shall not arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Magistrate of the 1st or 2nd class.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—continued.

1 Section.	2 OFFENCE	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
288	A person omitting to guard against probable danger to human life by the fall of any building, over which he has a right entitling him to pull it down or repair it.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description, or fine of Rs. 1,000, or both.	Magistrate of the 1st or 2nd class.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Any Magistrate.
290	Committing a public nuisance - -	Shall not arrest without warrant.	Ditto -	Ditto -	Fine of 200 rupees - -	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto -	Ditto -	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the 1st or 2nd class.
292	Sale, &c., of obscene books, &c. - -	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c, for sale or exhibition.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
294	Obscene songs - - -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

294A	Keeping a lottery office -	Shall not arrest without warrant.	Summons -	Ditto -	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries -	Ditto -	Ditto -	Ditto -	Fine of 1,000 rupees - -	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder - - - -	May arrest without warrant.	Warrant -	Not bailable	Death, transportation for life, and fine	Court of Session.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Offences affecting life—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable or not	6 Punishment under the Indian Penal Code	7 By what Court triable
303	Murder by a person under sentence of transportation for life.	May arrest without warrant.	Warrant -	Not Bailable	Death - - -	Court of Session.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by negligence - -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for two years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto -	Ditto -	Not bailable	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
307	Attempt to murder -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	If such act cause hurt to any person -	Ditto -	Ditto -	Ditto -	Transportation for life, or as above -	Ditto.

308	Attempt to commit culpable homicide -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide - -	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, and fine.	Magistrate of the 1st or 2nd class.
311	Being a thug - - - -	Ditto -	Ditto -	Not bailable-	Transportation for life, and fine -	Court of Session.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

312	Causing miscarriage - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent-	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent -	Ditto -	Ditto -	Ditto -	Transportation for life, or as above -	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
318	Concealment of birth by secret disposal of dead body.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
	Of Hurt.					
323	Voluntarily causing hurt - -	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
325	Voluntarily causing grievous hurt - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.

326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 10 years, and fine.	Court of Session.
328	Administering stupefying drug with intent to cause hurt.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 7 years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto -	Summons -	Bailable -	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of Hurt—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the 1st or 2nd class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person -	May arrest without warrant.	Summons -	Bailable -	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the 1st or 2nd class.

343	Wrongfully confining for three or more days -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret - -	May arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session or Magistrate of the 1st class.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
354	Assault or criminal force to a woman with intent to outrage her modesty.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued

Of Criminal Force and Assault—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
355	Assault or criminal force with intent to dishonor a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant -	Not bailable -	Ditto - - -	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons -	Ditto -	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping - - - -	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st class.
364	Kidnapping or abducting in order to murder -	Ditto -	Ditto -	Ditto -	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.

365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto -	Ditto -	Ditto -	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
370	Buying or disposing of any person as a slave -	Shall not arrest without warrant.	Ditto -	Bailable -	Ditto - - -	Ditto.
371	Habitual dealing in slaves - -	May arrest without warrant.	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
374	Unlawful compulsory labour - -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
376	Rape - - - -	Ditto -	Ditto -	Not bailable -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—concluded.

Of Unnatural Offences.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
377	Unnatural offences - - -	May arrest without warrant.	Warrant -	Not bailable -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft - - - -	May arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
381	Theft by Clerk or servant of property in possession of master or employer.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session, or Magistrate of the 1st or 2nd class.

382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 10 years, and fine.	Court of Session.

Of Extortion.

384	Extortion - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence	Ditto -	Ditto -	Ditto -	Transportation for life - -	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—continued.

Of Extortion—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code	7 By what Court triable.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or imprisonment for 10 years, in order to commit extortion.	Shall not arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 10 years, and fine.	Court of Session.
	If the offence be an unnatural offence -	Ditto -	Ditto -	Ditto -	Transportation for life - -	Ditto.

Of Robbery and Dacoity.

392	Robbery - - - -	May arrest without warrant.	Warrant -	Not bailable-	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.
	If committed on the highway between sunset and sunrise.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery - -	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto -	Ditto -	Ditto -	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity - - - -	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session.

396	Murder in dacoity - - -	Ditto -	Ditto -	Ditto -	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
399	Making preparation to commit dacoity -	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 10 years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto -	Ditto -	Ditto -	Transportation for life, or as above -	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto -	Ditto -	Ditto -	Rigorous imprisonment for 7 years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
	If by clerk or person employed by deceased -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—continued.

Of Criminal Breach of Trust.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
406	Criminal breach of trust - -	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Court of Session, or Magistrate of the 1st class.
408	Criminal breach of trust by a clerk or servant-	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session, or Magistrate of the 1st or 2nd Class.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, or Magistrate of the 1st class.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment for 10 years, and fine.	Court of Session.

413	Habitually dealing in stolen property -	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property knowing it to be stolen.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.

Of Cheating.

417	Cheating - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the 1st or 2nd class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
419	Cheating by personation - -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years and fine.	Court of Session, or Magistrate of the 1st class.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—continued.

Of Fraudulent Deeds and Dispositions of Property—continued.

1 Section.	2 OFFENCE	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for two years, or fine, or both.	Magistrate of the 1st or 2nd class.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

Of Mischief.

426	Mischief - - - -	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of 10 rupees or upwards.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards.	May arrest without warrant.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto -	Ditto -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.

Of Mischief—continued.

1 Section.	2 OFFENCE	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable or not	6 Punishment under the Indian Penal Code.	7 By what Court triable.
438	The mischief described in the last section when committed by fire or any explosive substance.	May arrest without warrant.	Warrant -	Not bailable-	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
439	Running vessel ashore with intent to commit theft, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 5 years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass - - -	May arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass - - -	Ditto -	Warrant -	Ditto -	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto -	Ditto -	Not bailable-	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.

451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 2 years, and fine.	Any Magistrate.
	If the offence is theft - - -	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
453	Lurking house-trespass or house-breaking -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, and fine.	Magte. of the 1st or 2nd class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.
	If the offence is theft - - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 10 years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session, or Magistrate of the 1st class.
456	Lurking house-trespass or house-breaking by night.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st or 2nd class.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—concluded.

Of Criminal Trespass—continued.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of 1st or 2nd class.
	If the offence is theft - - -	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 14 years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Court of Session, or Magistrate of the 1st class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the 1st or 2nd class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c, kept by a public servant.	Ditto -	Ditto -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto -	Ditto -	Ditto - - -	Ditto.
468	Forgery for the purpose of cheating -	Shall not arrest without warran.	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 3 years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto -	Ditto -	Ditto -	Punishment for forgery - -	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto -	Not bailable-	Ditto - - -	Ditto.
472	Making or conterfeiting a seal plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code; or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—continued.

1 Section.	2 Offence	3 Whether the Police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable or not	6 Punishment under the Indian Penal Code	7 By what Court triable.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of Indian Penal Code, or possessing with like intent any such seal, &c.	Shall not arrest without warrant.	Warrant -	Not bailable-	Imprisonment of either description for 7 years, and fine.	Court of Session.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
	If the document is a valuable security or will -	Ditto -	Ditto -	Ditto -	Transportation for life, or as above -	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto -	Ditto -	Ditto -	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—continued.

Of Trade and Property-Marks.

482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto -	Summons -	Ditto -	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the 1st class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the 1st or 2nd class.
488	Making use of any such false mark -	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
489	Removing, destroying, or defacing, any property-mark with intent to cause injury.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Magte. of the 1st or 2nd class.

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not	6 Punishment under the Indian Penal Code	7 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons -	Bailable -	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Magte. of the 1st or 2nd class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him, in that belief.	Shall not arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 10 years, and fine.	Court of Session.

494	Marrying again during the life-time of a husband or wife.	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 7 years, and fine.	Ditto.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto -	Ditto -	Not bailable -	Imprisonment of either description for 10 years, and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, and fine.	Ditto
497	Adultery - - - -	Ditto -	Ditto -	Bailable -	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st or 2nd class.

CHAPTER XXI—OF DEFAMATION.

500	Defamation - - - -	Shall not arrest without warrant.	Warrant -	Bailable -	Simple imprisonment for 2 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto -	Ditto -	Ditto -	Ditto - - -	Ditto.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant -	Bailable -	Imprisonment of either description for 2 years, or fine, or both.	Any Magte.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE—continued.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not	6 Punisl ment under the Indian Penal Code.	7 By what Court triable
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Shall not arrest without warrant.	Warrant -	Not bailable -	Imprisonment of either description for 2 years, or fine, or both.	Magte. of the 1st class.
506	Criminal intimidation - - -	Ditto -	Ditto -	Bailable -	Ditto - - -	Magte. of the 1st or 2nd class.
	If threat be to cause death or grievous hurt, &c.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the 1st class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto -	Ditto -	Ditto -	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the 1st class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 1 year, or fine, or both.	Ditto.
510	Appearing in a public place, &c, in a state of intoxication, and causing annoyance to any person.	Ditto -	Ditto -	Ditto -	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant -	Not bailable-	.....	According to the provisions of section eight of this Code.
If punishable with imprisonment for three years and upwards but less than seven.	Ditto -	Ditto -	Ditto -	.....	
If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons -	Bailable -	.....	
If punishable with fine only - -	Ditto -	Ditto -	Ditto -	.....	

SCHEDULE V.

Acts of the Governor General of India in Council.

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted.
XVIII of 1864, s. 19 ..	61	307
XXI of 1864, s. 2 ..	62	518
	63	519
	308	521
	309	522
	310	523
	311	525
	312	526
	313	527
	314	528
XXII of 1864, ss. 3 & 5 ..	23	37
XIII of 1865, s. 29 ...	Chap XIII ..	Chapter XXXIII
s. 35 ..	Sections 336 to 340 (both inclusive).	407, 409, 410, 411, and 412
s. 39 ...	380	287
s 40 ...	Chap. XXVI	Chapter XXXIV
s. 41 ...	383	301
XIX of 1865, s. 9 .	23	37
IV of 1866, s. 30 ..	Sections 336 to 340 (both inclusive).	407, 409, 410, 411 and 412
s. 33 ...	380	287
s. 34 ...	Chap. XXVI	Chapter XXXIV
s. 35 ...	385 ...	305
XXIV of 1866, s. 11 ..	Sections 336 to 340 (both inclusive).	407, 409, 410, 411 and 412.
s. 14 ...	380	287
s. 15 ...	Chap. XXVI	Chapter XXXIV
s. 16 ...	385	305
III of 1867, s. 17 ...	61	307
XV of 1867, s. 19 ...	61	307
XXII of 1867, s. 14 ...	61 . ..	307
XXIII of 1867, s 5 ..	Sections 248 to 255 (both inclusive).	149, Chapter XVII and the provisions applicable to warrant cases.
s. 6 ..	334 and 335	405 and 406
I of 1868, s. 5 .	61	307
VI of 1868, s. 19 ..	308	521
	and Chap XX	521 to 529 (both inclusive.)
s. 35 ..	61	307
XIII of 1869, s. 2	198	338 and 339
	and 364	334, 335, 337, 338, 339 and 340
XVIII of 1869, s. 18 cl. (*b*)	Chap. XXII .	Chapter XL
XXI of 1869, s. 30 ...	Chap. XIX ...	Chapter XXXVIII
VIII of 1870, s. 6 ..	61	307
	and 316	536
IX of 1871, sch. II, No. 46 ...	Chap. XXII ...	Chapter XL

Acts of the Governor of Madras in Council.

Acts and sections containing reference.	Section or Chapter quoted.	Section or Chapter of this Act to be substituted.
III of 1864, s. 23 ..	Chap. VIII	Chapter XXVII and sections 415 to 420 (both inclusive).
X of 1865, s. 116 ...	Chap. XX	Sections 521 to 529 (both inclusive).
I of 1866, ss. 3 and 5 ...	s. 23	37
I of 1867, s. 1	Chap. I	Chapter I.
VIII of 1867, s. 4 ...	ss. 68	142
	97	183
	127	377
	128	378
	129	381
	130	415
	131	416
	132	417
	133	109 & 110
	137	117 (first clause).

Acts of the Governor of Madras in Council—(continued)

Acts and sections containing reference	Section or Chapter quoted	Section or Chapter of this Act to be substituted
VIII of 1867, s 4 ..	152	124
	153	125
	97	183
s 9 .	Chap IV	Sections 139, 140, 144, 141, 147, 142, and Chapter XII
	Chap V	Sections 159, 161, 163, 164, 165, 166, 91, 167, 168, 169, 170, 174, 175 176, 177, 178, 179, 180, 181, 182, 183, 184 and 185
	Chap VI	Sections 92, 94, 95, 96, 97, 98, 99, 100, 93, 101, 108 and 480
	Chap VII	Section 92, Clause sixth, latter part
	Chap VIII	Chapter XXVII and Sections 415 to 420 (both inclusive)
	Chap IX	Sections 109, 110, 111, 114, 116, 117 first part, 89, 112, 102, 103, 379, 380, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133 and 136
	With the exception of sections	
	125	385
	147	121
	148	Re-enacted in Act No. 1 of 1872 (Evidence Act)
	149	
	150	
	154	126
	158	130
	160	132
	161	133
	151 ...	123
III of 1871, s 132	Chap XX	Sections 521 to 529 (both inclusive).

Acts of the Governor of Bombay in Council.

Acts and sections containing reference.	Section or Chapter quoted	Section or Chapter of this Act to be substituted
VI of 1862, s 18	61 ...	307
III of 1867, ss 4 and 6	23 .	37
II of 1868, s 15	61 ...	307

Acts of the Lieutenant Governor of Bengal in Council.

Acts and sections containing reference	Section or Chapter quoted	Section or Chapter of this Act to be substituted.
II of 1863, s 7	61	307
VI of 1863, s 238	61	307
III of 1864, s 6	23 ...	37
s 80	61 ...	307
VII of 1864, s 28	Chap VIII	Chapter XXVII and Sections 415 to 420 (both inclusive)
IV of 1865, s. 4	Chap XV	Chapter XVI and the provisions applicable to summons cases
II of 1866, s. 48	s 61	307
V of 1866, s 51	s 61	307
II of 1867, s 14	s 61	307
III of 1867, s 17	s. 61 ..	307
V of 1867, s 4	s 61 ..	307
IV of 1871, s. 19	Chap XV ...	Chapter XVI and the provisions applicable to summons cases

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

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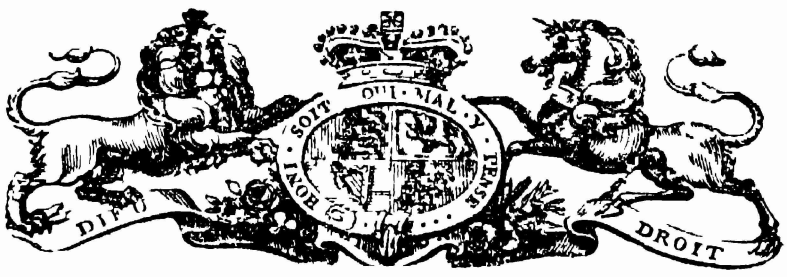

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PAGE.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations .....361—371

PART II.—Notifications by Comptroller General, High Court, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices .....83—86

PART III.—Advertisements and Notices by private Individuals and Corporations ..... 87—90

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—
Indian Evidence Act, 1872 .....57—81
Panjáb Municipalities Act Continuance Act... 81
Marriage Act, 1872 .....81—85
Panjáb Laws Act, 1872 .....85—91
Jurisdiction of High Court of Bombay Act ... 91

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19:—

Bills Nos. IV. & V. *not published.*

Privy Council Appeals Bill .....139—141

Mortgage Procedure Bill 141

Native Passenger Ships Act, 1870, Amendment Bill .....142—143

Indian Christian Marriage Bill, 1872, Amendment Bill .....143—162

Patterns and Designs Protection Act, 1872. 163

SUPPLEMENT. No. 13 .....229—255

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Fort William, the 25th March 1872.

No. 1429.—His Excellency the Governor General is pleased to confer upon Rajah Jotendro Mohun Tagore, Bahadoor, the privilege of the private entrée to Government House.

The 26th March 1872.

No. 1461.—The services of Mr. C. E. R. Girdlestone, C. S., Deputy Commissioner of Jabalpúr in the Central Provinces, are placed at the disposal of the Foreign Department.

No. 1465.—The services of Surgeon Arthur Young, of the Bengal Medical Service, are, under the operation of the orders of the Home Department, No. 794, dated 25th January 1865, replaced at the disposal of the Military Department.

The 27th March 1872.

No. 1470.—The undermentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments

of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency to public inspection, upon payment of a fee of one Rupee. A certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying:—

No. 570.—Mr. Thomas Sugden, formerly of Leeds, in Yorkshire, and now residing in Bombay, a partner in the firm of King, Sugden and Company, of Duncan Road, Bombay, Iron Founders and Mechanical Engineers, for opening cotton and feeding cotton gins of all descriptions, called "the Circular Motion Cotton-opener and Self-feeder."

No. 578.—Mr. Walter Long Granville, No. 80, King William Street, London, England, Civil Engineer, for a Floating Turn-table for use and adaptation in or upon bridges, piers, jetties, or similar structures, fixed or floating, the principle of which is to employ the floating power of water to sustain the machine and the weight upon it that has to be turned, thus enabling the machine to be turned with a minimum of friction and labor.

No. 583.—Mr. Rees Reece, of Llandilo, in the County of Carmarthen, in Wales, Chemist, for improvements in apparatus for cooling and refrigerating liquids, manufacturing ice, and obtaining ammoniacal solution for the same and other purposes.

No. 586.—Mr. J. Nagoua, of France, now residing in Dehra Dhoon, East India, and Mr. E. Lefranc, of New Orleans, for extracting and cleaning the fibre of Ramie, Rhea, &c., and every long textile plant in its green or dry state.

No. 591.—Mr. Thomas Alfred Skelton, of No. 37, Essex Street, Strand, in the County of Middlesex, for improvements in lamps fixed in streets, open spaces, factories, railway stations, and public buildings.

No. 601.—Mr. Robert Bristow Lee, of Manchester, in the County of Lancaster, Iron Fence Manufacturer; and Mr. Simon Alfred Rogers, of the same place, Dentist, for improvements in metal pillars, posts, masts for telegraphic and other purposes, and in the method of manufacturing the same.

No. 1471.—The undermentioned Covenanted Civil Servants have been granted by Her Majesty's Secretary of State for India extensions of leave for the periods specified against their names:—

Mr. C. J. Daniell, one month (private affairs).
„ P. Hurley, three months (medical certificate).

The 28th March 1872.

No. 1506.—The services of Surgeon John Elliott, M.D., appointed to the joint medical charge of Simla in Notification No. 5468, dated the 13th December last, are replaced at the disposal of the Government of Bengal.

JUDICIAL.

The 26th March 1872.

No. 593.—In modification of the last clause of Notification No. 484, dated the 12th instant, the name of Mr. Spencer F. A. Smith is to be substituted for that of Mr. J. Davis in the 2nd Grade of Assistant Commissioners. Mr. Davis's promotion from the 3rd Grade is cancelled.

The 27th March 1872.

No. 596.—Lieutenant E. P. Maltby, 1st Assistant Superintendent in Coorg, is empowered, under Section 412 of the Code of Criminal Procedure, to hear appeals from the decisions of Subordinate Magistrates in Coorg.

POLICE.

The 28th March 1872.

No. 211.—APPOINTMENT.—Captain F. N. M. Maynard, District Superintendent of Police, 3rd Grade, in Oudh, to be District Superintendent, 2nd Grade, during the absence on leave of Mr. R. Hamilton, or until further orders, with effect from the 20th ultimo.

E. C. BAYLEY,
Secretary to the Govt. of India.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

NOTIFICATIONS.

FIBRES AND SILK.

Fort William, the 26th January 1871.

No. 478.—The Governor General in Council is pleased to direct the publication of the following advertisement in substitution of the one published under Notification No. 145, dated the 11th January 1870:—

ADVERTISEMENT.

1.—The Government of India, after communication with various Agricultural and Horticultural Societies in India, and with persons interested in the subject, has arrived at the conclusion that the only real obstacle to the development of an extensive trade in the fibre of Rhea or China-grass is the want of suitable machinery for separating the fibre and bark from the stem, and the fibre from the bark, the cost of effecting such separation by manual labor being great.

2.—The demand for the fibre is now large, and, no doubt, might be extended with reduced prices, and there is a practically unlimited extent of country in India where the plant could be grown.

3.—The requirements of the case appear to be some machinery or process capable of producing, with the aid of animal, water, or steam-power, a ton of fibre of a quality which shall average in value not less than £50 per ton in the English market, at a total cost—all processes of manufacture and allowance for wear and tear included—of not more than £15 per ton. The said processes are to be understood to include all the operations performed, after the cutting and transport of the plant to the place of manufacture to the completion of the manufacture of fibre of the quality above described. The machinery must be simple, strong, durable, and cheap, and should be suited for erection at or near the plantations, as the refuse is very useful as manure for continued cultivation.

4.—To stimulate the invention or adaptation of such machinery or process, the Government of India hereby offers a prize of £5,000 for the machine and process that best fulfils all the requirements named above.

5.—Rewards of moderate amount will be given for really meritorious inventions even though failing to meet entirely all the conditions named.

6.—Owing to the delay that has taken place in maturing the preliminary arrangements, the Government of India has decided that the competition will not be held until the 1st April 1872, thus affording a much longer time than was originally intended for the preparation of machines and their transport to the locality appointed for the competition. The Government Rhea Plantation at Saharunpore, in the North-Western Provinces, has been fixed as the place where the public competition will be held, and the Government of India will provide one or more small steam-engines to work the machines during the public competition.

7.—All machinery, &c., intended for trial must be brought by the competitors at their own charge to the Saharunpore Rhea Plantation, and kept ready before the 1st April 1872, to be there worked under their own supervision, or under that of their representatives, for a sufficient length of time to enable the judges appointed by Government to determine whether all the conditions named have been complied with. The prize machine is to be transferred, if required, to Government at 5 per cent. above cost price; the patent right in any such machine to be also transferred, if required, to Government, on the latter securing to the patentee a royalty of 5 per cent. on the cost price of all machines manufactured under the patent during its currency.

8.—Arrangements have now been completed for the supply of dried Rhea stems to intending competitors, both in this country and in Europe, to enable them to form a correct idea of the nature of the plant which their machinery will be required to deal with. Persons in Europe desirous to obtain small supplies of dried Rhea stems for the above purpose, should apply to the Secretary of State for India. Intending competitors in this country, desirous of obtaining supplies of the article, must submit applications to the Secretary to the Government of India, in the Department of Agriculture, Revenue, and Commerce, in the Form A hereto annexed, prior to the 1st of March 1871; and

those who are desirous of testing their machinery on the fresh Rhea at the Government Rhea Plantation at Saharunpore during the year 1871, must submit their applications to the same authority, in the Form B hereto annexed, prior to the 1st April 1871. The former will have to pay the expenses that may be incurred in packing and despatching the stems. The latter will have to provide all labor and motive power necessary for, and to pay all expenses connected with, their experiments: the fibre turned out by their machines during such experiments to become the property of Government.

9.—In order to enable the Government to arrange for the provision of a sufficient stock of fresh Rhea stems for the purposes of the formal competition in April 1872, it is necessary to ascertain beforehand the number of machines that are likely to take part in it; and intending competitors are therefore requested to submit, prior to the 1st May 1871, and in the Form C also hereto annexed, notices of intention to compete.

Form A.

APPLICATION FOR DRIED STEMS OF THE RHEA.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Quantity of dried stems applied for.	Locality to which it is desired that the stems be transmitted.	Name of nearest Railway Station to locality entered in preceding column.

On hearing from the Superintendent of the Government Rhea Plantation, Saharunpore, the amount of the expenses to be incurred in packing and despatching the quantity of stems above applied for, or such lesser quantity as may be allotted to me, as also the cost of carriage of such quantity to *(here insert the locality to which it is desired that the stems be forwarded)*, or to the nearest Railway Station, I promise to remit the total amount so required to the said officer, and I acknowledge that the packing and transmission of such stems will be entirely at my risk.

(Name in full)

(Date)

(Place)

Form B.

APPLICATION FOR PERMISSION TO MAKE PRELIMINARY EXPERIMENTS FOR TESTING MACHINERY AT THE GOVERNMENT RHEA PLANTATION, SAHARUNPORE.

To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.

Name of Applicant.	Profession or Occupation.	Address in full.	Brief description of machinery proposed to be tested.	Date on which applicant, if permitted, proposes to commence testing his machinery.	Approximate amount of green stem which applicant expects will be necessary for testing the machinery.

I acknowledge that, if permission be granted to me to test the above-described machinery at the Government Plantation, such permission will be subject to the following conditions :—

1*st*.—I am to provide all labor and motive power necessary for, and to pay all expenses connected with, testing my machinery.

2nd.—I am bound to conform to such rules in regard to time and place of conducting my experiments, hours of working, and the like, as the Superintendent of the Plantation may lay down for my guidance.

3rd.—I shall receive only such quantities of green stem, and at such time or times as, with reference to the other claims upon him, the Superintendent may find convenient to allot me.

4th.—All fibre, &c., turned out by my machines during these experiments, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Form C.

NOTICE OF MACHINERY INTENDED TO COMPETE FOR THE GOVERNMENT RHEA MACHINERY PRIZES AT THE TRIALS TO BE HELD AT SAHARUNPORE IN APRIL 1872 AND SUBSEQUENT MONTHS.

PARTIES INTENDING TO COMPETE.			Number of different kinds of machines which competitor desires to take part in the trials.	Brief description of each kind of machine.	Motive power required to work the machine.	Date by which the machines will be ready at Saharunpore for trial
Name in full.	Profession or Occupation.	Residence in full.				

In proposing to enter the above-noted machinery for the Saharunpore competitive trials I do so under the full understanding that—

1st.—I shall be bound to conform to all rules and regulations in regard to all matters in any way connected with these trials that may be laid down by Government, or by the judges appointed by Government to preside over these, and that failing to do so, I shall forfeit all claim to any prize, reward, or recompense from Government, and entirely disqualify my machinery for the competition.

2nd.—All fibre, &c., turned out by my machinery during the trials, with stems furnished by Government, will be the property of Government.

(Name in full)

(Date)
(Place)

Simla, the 9th November 1871.

No. 142.—Eighty maunds weight of dried rhea stems is now available at Saharunpore for distribution.

Applications for samples not exceeding five maunds should be made to the Superintendent of the Botanical Gardens at Saharunpore who will supply the quantity required, on payment of all transit charges.

SURVEYS.

Fort William, the 28th March 1872.

No. 201.—Colonel James Eardley Gastrell, Deputy Surveyor General and Superintendent of Revenue Surveys, Upper Circle, has obtained ten days' subsidiary leave of absence, from the 23rd February to the 4th March 1872, to enable him to rejoin his appointment.

A. O. HUME,
Secretary to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

Fort William, the 28th March 1872.

No. 54*J.*—Mr. J. D. La Touche, Settlement Officer, Ajmere District, is vested with the powers of a Subordinate Magistrate of the 1st Class under Section 23 of the Criminal Procedure Code.

GENERAL.

The 23rd March 1872.

No. 604*G.*—APPOINTMENTS.—Major W. Kincaid, 2nd in Command, Malwa Bheel Corps, to be Officiating Commandant during the time Captain Bannerman will officiate as Political Agent, Bhaghelcund, or until further orders.

Major (Brevet Lieutenant Colonel) T. E. Gordon, Bengal Staff Corps, to be Officiating 2nd in Command, *vice* Major W. Kincaid.

The 28th March 1872.

No. 641*G.*—His Excellency the Viceroy and Governor General is pleased to confirm Lieutenant Colonel (Brevet Colonel) A. R. Thornhill in the appointment of Agent to the Governor General at Moorshedabad, in the room of Mr. W. B. Buckle, resigned.

No. 644*G.*—LEAVE.—Lieutenant Colonel H. Forbes, Commandant of the Bhopal Battalion, has been granted sixty days' privilege leave from the 24th March 1872, or from the date in that month on which he may avail himself of the same.

No. 646*G.*—PROMOTION.—Supernumerary Ressaldar Major Isree Pershad, of the 1st Regiment of Central India Horse, to be Ressaldar Major from the 1st of May 1871, *vice* Ressaldar Major Mir Umjud Ali, transferred to the Pension Establishment.

No. 649*G.*—His Excellency the Governor General in Council has been pleased to invest the under-mentioned Officers with the powers specified, to be exercised within the limits of the Holkar State Railway:—

Mr. Charles Cheyre, Superintending Engineer,—the powers of a Subordinate Magistrate, as described in Section 22 of the Code of Criminal Procedure.

Mr. Archibald Cregeen, Mr. James Ramsay, and Mr. Stanley Devere Alexander, Executive Engineers,—the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22 of the Code of Criminal Procedure.

C. U. AITCHISON,
Secretary to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS.

Fort William, the 27th March 1872.

No. 2281.—Baboo Madhub Chunder Chatterjee joined the Office of the Comptroller General on the afternoon of the 8th instant.

The 28th March 1872.

No. 2320.—Mr. T. H. S. Biddulph is re-appointed to officiate as an Assistant to the Accountant General, North-Western Provinces.

No. 2374.—Mr. R. W. Lodwick, Officiating Accountant General, and Commissioner of the Department of Issue of Government Paper Currency in Madras, is allowed the usual subsidiary leave in addition to a furlough for nine months which has been granted to him by the Government of Bombay.

No. 2382.—Mr. E. Gay, Deputy Comptroller General, left Calcutta on the afternoon of the 6th instant to proceed to England on special duty.

Mr. G. Fitzgerald is appointed to officiate in the 1st class of the Financial Department with effect from the 7th instant, and to officiate as Deputy Comptroller General with effect from the 23rd instant, on the forenoon of which date he assumed charge of that office.

Mr. R. Taylor made over charge of the Office of Accountant General, Punjab, and Deputy Commissioner of Paper Currency, Lahore Circle, to Mr. E. S. Byrne, and Mr. Byrne made over charge of the Office of Deputy Accountant General, Punjab, to Mr. F. de H. Larpent on the forenoon of the 16th instant.

LEAVE AND ALLOWANCES.

The 27th March 1872.

No. 2271.—In supersession of Rule II in the first of the extracts composing the appendix to the Acting Allowance Code, the Governor General in Council is pleased to decide that the salary of an Officiating Director General of Telegraphs shall be regulated by the rules for the grant of acting allowance to officers in civil employ generally.

MINT AND CURRENCY.

The 28th March 1872.

No. 2376.—The period of the privilege leave granted to Mr. R. W. Mathews on the 30th November 1871 having been extended to three months, Mr. Mathews resumed charge of the Office of Assistant to the Commissioner of Paper Currency in Bombay on the forenoon of the 16th ultimo. He made over charge of that office on the afternoon of the 9th instant, and received charge of his duties as an Officiating Assistant to the Comptroller General on the forenoon of the 13th idem.

SEPARATE REVENUE.

(STAMPS)

The 28th March 1872.

No. 2329.—In exercise of the power conferred by the General Stamp Act, XVIII of 1869, section 5, clause (*b*), the Governor General in Council is pleased to direct the addition of the Collector of Kurrachee, for the time being, to the list of officers empowered to "denote" stamps, given in paragraph 1 of Resolution by the Government of India, Financial Department, No. 1510, dated 14th March 1871.

R. B. CHAPMAN,
Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 25th March 1872.

No. 324 *of* 1872 —The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Lieutenant Colonel Francis Henry Hanmer, of the Bengal Staff Corps, Cantonment Magistrate, Allahabad,—for twenty months, under the Regulations of 1868, embarking at Bombay.

Lieutenant Colonel Arthur Davies Dickens, C.B., of the Bengal Staff Corps, Assistant Commissary General, 1st Class,—for two years, under the Regulations of 1868.

The 27th March 1872.

No. 325 *of* 1872.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Army Commissariat Department

Lieutenant G. L. Eliot, of the Bengal Staff Corps, Quarter Master, 38th (The Agra) Regiment of Native Infantry, to be a Sub-Assistant Commissary General of the 3rd Class, on probation, *vice* Captain C. Case, promoted to the 2nd Class.

No. 326 *of* 1872.—The furlough for two years, the first to be spent in India, and the remainder in Europe, granted to Lieutenant Colonel J. B. Thelwall, C.B., of the Bengal Staff Corps, Commandant, 21st (Punjab) Regiment of Native Infantry, in G. G. O. No. 585, dated 30th June 1871, is commuted to furlough in India for the entire period.

No. 327 *of* 1872.—The under-mentioned Officers have reported their departure for Europe on the dates specified:—

Major General H. F. Dunsford, C.B., of the Bengal Staff Corps, G. G. O. No. 274 of 1872,—4th March 1872, from Bombay.

Captain (Brevet Major) S. H. E. Chamier, of the Royal Artillery, G. G. O. No. 193 of 1872,—10th March 1872, from Bombay.

Major H. R. Osborn, of the Bengal Staff Corps, G. G. O. No. 57 of 1872,—per *Meinam*, 20th March 1872.

No. 328 *of* 1872.—The following promotions are made in the under-mentioned Corps of the Punjab Frontier Force:—

5th Goorkha Regiment (The Hazara Goorkha Regiment).

Jemadar Bhoop Sing Gossein, to be Subadar, *vice* Dhun Sing Bisnaith, deceased.
Havildar Chunderbeer Kutaith, to be Jemadar, *vice* Bhoop Sing Gossein, promoted.

The above promotions to have effect from the 23rd February 1872.

No. 329 *of* 1872.—The under-mentioned Warrant Officer is allowed furlough to Europe on medical certificate:—

Sub-Conductor John Curram, of the Ordnance Commissariat Department, Assistant Overseer, Dum-Dum Cartridge Factory,—for twenty months, under the provision of G. G. O. No. 207 of 1869.

No. 330 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Captain George Ward Chicheley Plowden, of the Bengal Staff Corps, Brigade Major, Jullundur,—for one year, under the Regulations of 1868, embarking at Bombay.

No. 331 *of* 1872.—The following Military Letter from the Right Hon'ble the Secretary of State for India, No. 49, dated 29th February 1872, is published for general information:—

MILITARY. INDIA OFFICE;
No. 49. *London, 29th February* 1872.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—I have to inform you that Her Majesty has been pleased to approve of Major General Alexander Macdonell, C.B., being placed on the Staff of the Army in India, with a view to his commanding a Division in the Bengal Presidency.

I have, &c.,
(Signed) ARGYLL.

No. 332 *of* 1872.—The under-mentioned 1st Class Hospital Assistant is transferred to the Pension Establishment:—

RANK.	NAME	CIRCLE OF PAYMENT
	Charitable Dispensary, Puruliya, Manbhoom.	
1st Class Hospital Assistant	Lutchmun Gheer	Presidency.

No. 333 *of* 1872.—The under-mentioned short-service Sepoy, declared unfit for further service on account of injuries sustained in the execution of his duty, is granted the pension noted opposite to his name:—

RANK	NAME	NATURE AND DEGREE OF PENSION.	AMOUNT MONTHLY	CIRCLE OF PAYMENT.
	3rd Sikh Infantry.		Rs. A. P	
Sepoy ...	Bussawah Singh	Injury, 2nd degree ...	3 12 0	Sirhind.

No. 334 *of* 1872.—The under-mentioned Officers have reported their return from England:—

Lieutenant Colonel C. C. Johnson, of the Bengal Staff Corps; Major E. G. Clark, of the Bengal Staff Corps, Settlement Officer, Baraitch District, Oude; and Captain J. FitzGerald, of the Bengal Staff Corps, Assistant Commissioner, 1st Class, Hyderabad,—date of arrival at Bombay, 7th March 1872.

Captain C. H. Bergman, of the late 60th Regiment of Native Infantry, and Captain B. P. Hodgson, of the Bengal Staff Corps,—date of arrival at Bombay, 9th March 1872.

No. 335 *of* 1872.—The furlough to Europe on private affairs, for two years, under the Regulations of 1868, granted to Captain W. H. Unwin, of the Bengal Staff Corps, 1st Wing Subaltern, 5th Goorkha Regiment, (The Hazara Goorkha Battalion), in G. G. O. No. 178, dated 22nd February 1872, is cancelled at his own request.

No. 336 *of* 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Lieutenant Colonel John Richardson Auldjo, of the Bengal Staff Corps,—for one year under the Regulations of 1868.

The 28th March 1872.

No. 337 *of* 1872.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 50, dated 29th February 1872, is published for general information :—

MILITARY. INDIA OFFICE;

No. 50. *London, 29th February* 1872.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,

1. With a view to meeting the cases and facilitating the retirement of the senior officers of the Army subject to the Indian Retiring Regulations, Her Majesty's Government have resolved so to modify the present Regulations, as expressed in Clause 30 of the Furlough Rules of 1854, as to admit of a larger amount of furlough being reckoned as service by claimants to the higher rates of pension granted in 1866.

2. With this view, I request that it may be notified to the service that, from and after the date of this despatch, the following regulation will be substituted for Clause 30 of the rules above referred to, and will govern the rates of pension to be granted to officers retiring under the Indian Regulations :—

"No furlough or leave of absence, as announced in General Orders, exceeding two years in twenty years' aggregate service, three years in twenty-five years' service, four years in thirty years' service, five years in thirty-five years' service, and six years in thirty-eight years' service shall be allowed to count as service for the retiring pension; and no difference will be made in this respect between leave of absence taken in Europe or elsewhere, in or out of India, or whether the leave be on sick certificate or on private affairs."

I have, &c.,

(Signed) ARGYLL.

No. 338 *of* 1872.—The following order issued by the Resident at Hyderabad is confirmed :—

No. 62, *dated* 16*th March* 1872.—Permitting Captain H. F. H. Sewell, Adjutant, 5th Infantry, Hyderabad Contingent, temporarily employed in the Civil Department as Officiating 2nd Assistant Resident, Hyderabad, who has been relieved on the 12th March 1872, and whose services have been replaced at the disposal of the Military Department, to avail himself from that date of the unexpired portion of his general leave of absence which was cancelled by General Order by the Resident, No. 23 of 1872.

G. G. O. No. 208 of the 29th February 1872.

No. 339 *of* 1872.—1st Class Hospital Assistant Shaik Haroon, of the Malwah Bheel Corps, having been declared unfit for further service by an annual Invaliding Committee, is transferred to the Pension Establishment, with effect from the date of his having ceased to be borne on the effective establishment.

No. 340 *of* 1872.—In continuation of G. G. O. No. 482 of 30th May 1871, and under the authority of the Right Hon'ble the Secretary of State for India, the Governor General in Council is pleased to notify that a Royal Engineer Officer of the Imperial list on permanent Staff employ under the Government, who has served eight years in India without proceeding to England at the conclusion of his regular tour of seven years, will be eligible for furlough to Europe under the Rules of 1868, but only on his undertaking to return to India on its termination for a further term of service.

2. Should he fail to return, he will be required to refund all the Indian pay and allowances he may have received from the Indian Government during his furlough, and be restricted, for that period, to the English pay of his Regimental rank.

No. 341 *of* 1872.—ERRATUM.—In G. G. O. No. 214, dated 1st March 1872, granting furlough to Europe to Lieutenant A. R. Badcock, for Sub-Assistant Commissary General, "2nd Class," read Sub-Assistant Commissary General, 1*st Class*.

Order books to be corrected accordingly.

No. 342 *of* 1872.—The following promotions are made in the undermentioned Corps of the Native Army :—

8th Regiment of Native Infantry.

Havildar Mooseh Khan to be Jemadar from the 4th March 1872, *vice* Doorgah Singh, deceased

40th (The Shahjehanpore) Regiment of Native Infantry.

Havildar Mooltan Singh to be Jemadar from the 1st May 1871, *vice* Adjoodhia Singh, invalided.

No. 343 *of* 1872.—The undermentioned officer has reported his departure for Europe on the date specified :—

Captain F. Currie, of the late 1st European Light Cavalry, G. G. O. No. 95 of 1872,—per *Golconda*, 15th March 1872.

No. 344 *of* 1872.—The following promotion is made, subject to Her Majesty's approval :—

CORPS	RANK AND NAME	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM
General List, Cavalry.	Lieutenant (Brevet Captain) Charles Walter Campbell.	Captain	14th February 1872.	Captain E. S. Rivett-Carnac, 19th Hussars (late 1st E L. C.), exchanged to the 11th Hussars

No. 345 *of* 1872.—The undermentioned officer has reported his return from England :—

Lieutenant-Colonel (Brevet Colonel) S. J. Hire, of the Bengal Staff Corps.—Date of arrival at Bombay, 13th March 1872.

No. 346 *of* 1872.—Deputy Inspector General of Hospitals Joseph Rose, of the Medical Department, is permitted to retire from the service on a pension of £456 per annum from the 31st March 1872.

H. K. BURNE, *Colonel,*
Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENT.

Fort William, the 22nd March 1872.

No. 173.—Mr. F. E. Godfrey, Assistant Controller, 3rd Grade, on probation, is confirmed in that grade.

No. 174.—The under-mentioned persons are appointed Accountants of the 4th Grade, on probation, with effect respectively from the dates specified, and are posted to the Office of the Accountant General, Public Works Department :—

Mr. W. Larkins, from the 29th January 1872.
" S. Kiddle, from the 1st February 1872.
" R. H. Tissendie, from the 5th February 1872.

The 26th March 1872.

No. 175.—Sub-Conductor J. S. Robinson, Sub-Engineer, 3rd Grade, Mysore, is remanded to Military duty.

No. 176.—Mr. H Linden is appointed to the Public Works Department as a temporary local Supervisor, 2nd Grade, in Port Blair, with effect from 13th December 1871.

No. 177.—ERRATUM.—In Public Works Department Notification No. 123, dated 2nd March 1872, notifying the grant of leave to the late Mr. A. Stephens, late Supervisor, 2nd Grade, Punjab Northern State Railway, for "3rd February 1872," read 5th February 1872.

No. 178.—Mr. A. Hill, appointed by the Secretary of State for India, an Assistant Superintendent of the 4th Grade, with effect from the 30th November 1871, reported his arrival in India on the afternoon of the 12th March 1872.

The 27th March 1872.

No. 179.—Mr. W. R. Hussey, of the Office of the Controller of Public Works Accounts, Central India, is appointed an Accountant of the 4th Grade, on probation, and posted to the Holkar (State) Railway.

No. 180.—Private L. Clancy, Overseer, 1st Grade, Hyderabad, is remanded to Military duty.

No. 181.—Mr. F. G. Teale, Superintendent, 1st Grade, is granted two years' leave to Europe on medical certificate under section 7 of the Civil Leave Code, also subsidiary leave for thirty days under section 15(a) with effect from the date on which he may avail himself of it.

No. 182.—Public Works Department Notification No. 109 of the 28th February 1872, transferring Mr. Fitz James from Central Provinces to British Burmah, is cancelled.

No. 183.—Colonel H. Drummond, R.E., assumed charge of the office of Deputy Secretary to the Government of India, in the Public Works Department, Railway Branch, on the forenoon of the 18th March 1872. In addition to his duties as Deputy Secretary, Colonel Drummond will continue in charge of the Northern Bengal Railway Survey until further orders.

Mr. A. H. Vaux, Under Secretary to the Government of India in the Public Works Department, Railway Branch, acted as Deputy Secretary from 16th February to 17th March 1872, both days inclusive, and Lieutenant K. C. Pye, R. E., Assistant Secretary to the Government of India in the Public Works Department, Railway Branch, acted as Under Secretary for the same period.

The 28th March 1872.

No. 184.—The following appointments are made in the Public Works Department with effect from the 1st April 1872:—

Mr. A. McGechie, to be Assistant Auditor, Oudh and Rohilcund Railway Accounts, with the rank of Assistant Controller, 1st Grade.

Baboo Sreenath Roy, to be an Accountant, 2nd Grade, on probation, in the Office of the Auditor, Oudh and Rohilcund Railway Accounts.

Mr. H. Edgar, to be an Accountant, 4th Grade, in the Office of the Auditor, Oudh and Rohilcund Railway Accounts.

The under-mentioned Accountants are transferred to the Office of the Auditor, Oudh and Rohilcund Railway Accounts:—

Mr. F. A. Newman, Accountant, 2nd Grade, Rajpootana.

Mr. R. H. Tissendie, Accountant, 4th Grade, on probation, Accountant General's Office.

No. 185.—Captain A. T. Fraser, R. E., Executive Engineer, 3rd Grade, Central India, is on return from furlough transferred to the North-Western Provinces in the Buildings and Road Branch.

C. H. DICKENS, *Colonel, R.A.,*
Secretary to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 30, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by Comptroller General, High Court, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Calcutta, the 16th November 1871.

On and after Saturday the 18th instant, the *Gazette of India* will be published at Calcutta every Saturday until further notice.

All communications, remittances, &c., should be addressed to the Publisher at his office, No. 8, Hastings Street, Calcutta.

BANK OF BENGAL.

NOTICE.

Calcutta, the 27th March 1872.

The Directors have made the following changes in the Bank's Establishment :—

Mr. A. B. Antram of Head Office, has been appointed Acting Agent at Lahore Branch.

„ J. Seymour Keay, Agent at Patna, has resigned the Bank's service.

„ W. F. Fraser, gazetted to Lahore, has resumed charge of the Patna Branch as Acting Agent.

GEO. DICKSON,
Secretary and Treasurer.

HIGH COURT.

NOTIFICATION.

Calcutta, the 18th March 1872.

The Hon'ble the Chief Justice has granted Mr. C. T. Davis, Chief Clerk, High Court, privilege leave of absence for three months from 15th April next, under Section 18 of the Leave Code, and Financial Resolution No. 2030, dated 31st March 1871.

R. BELCHAMBERS,
Registrar.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs	Rs	Rs.	Rs.
March 18th, 1872 ...	..	2,07,548	21,17,591	3,15,164	90,76,487
„ 19th „ ...	67,700	2,04,909	19,72,096	3,30,075	92,76,487
„ 20th „ ...		3,70,917	15,86,176	5,15,945	94,76,487
„ 21st „ ...	...	4,14,016	11,77,792	4,76,530	99,26,487
„ 22nd „ ...	...	4,22,180	7,42,809	4,43,739	1,03,76,487
„ 23rd „ ...	...	4,62,878	2,67,976	5,17,304	1,07,76,487

CALCUTTA MINT,
The 26th March 1872.

H. HYDE, *Lieut.-Colonel,*
Mint Master.

Statement of Transactions of District Savings Banks for the week ending 28th March 1872.

PROVINCE.	Number of Banks open	DEPOSITS.						WITHDRAWALS.									BALANCE.		
		No.	Amount.					No.	Amount, Principal.					Amount, Interest.					
			Rs.	A.	P.				Rs.	A.	P.			Rs	A.	P	Rs.	A.	P.
Bengal	45	28	2,778	2	2			12	2,293	0	0			16	1	8	1,97,997	11	8
N. W. Provinces ...	13	2	245	5	0			1	50	0	0			0	5	0	62,895	13	10
Punjab	13	3	260	0	0			...	...					..			50,425	11	8
Oude	6	...	.						...					.			19,967	2	1
Central Provinces ...	4	...	...					2	40	0	0			10	15	0	34,927	15	6
British Burmah ..	6	8	526	0	0			2	155	0	0			...			9,785	14	11
Berar	2	4	170	8	7			1	120	0	0			..			10,218	15	8
India	3	...	...					.	...					...			17,521	1	8
TOTAL ...	92	45	3,979	15	9			18	2,658	0	0			27	5	8	4,03,740	7	0

CALCUTTA,
The 28th March 1872.

HUGH SANDEMAN,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 26th March 1872.

LIABILITIES.		Rs.	A.	P.
Proprietors' Capital, paid-up ...		2,20,00,000	0	0
Reserve Fund		15,37,456	1	8
	Rs. A. P.			
General Treasury Balance at Head Office	3,76,84,083 8 0	5,77,21,716	1	6
General Treasury Balance at Branches	2,00,37,632 9 6			
Other Deposits at Head Office and Branches		2,06,77,351	1	2
Bank Post Bills, &c., ...		13,18,178	14	1
Sundries		9,39,059	11	11
TOTAL ...		10,41,93,761	14	4

ASSETS.		Rs.	A.	P.
Government Securities ...		88,12,233	4	0
Loans on Government Securities at Head Office and Branches ..		72,82,717	10	5
Accounts of Credit on Government Securities at Head Office and Branches		1,61,39,911	2	6
Mercantile Bills discounted at Head Office and Branches ...		1,89,85,642	6	3
Dead Stock		11,89,108	13	1
Stamps		13,922	7	0
Balances with other Banks ...		7,73,984	0	4
Sundries		1,30,339	15	5
		5,33,27,859	11	0
	Rs. A. P.			
Cash and Currency Notes at Head Office	1,56,99,068 3 7	5,08,65,902	3	4
Cash and Currency Notes at Branches	3,51,66,833 15 9			
TOTAL ...		10,41,93,761	14	4

By order of the Directors,

BANK OF BENGAL;
Calcutta, 28th March 1872.

J. GORDON,
Chief Acctt. & Dy. Secretary.

GEO. DICKSON,
Secy. & Treasurer.

PUNJAB NORTHERN STATE RAILWAY.

NOTIFICATION.

Lahore, the 20th March 1872.

No. 3.—TRANSFERS.—The following transfers in the Staff of the Northern State Railway will take effect from the 1st April 1872:—

Lieutenant J. Hare, R.E., Assistant Engineer, 2nd Grade, from Extension Survey Division, No. I, to the Goojranwalla Division.

Mr. W. Foster, Assistant Engineer, 2nd Grade, from the Goojranwalla to the Ravi Bridge Division.

Lieutenant E. M. Larminie, R.E., Assistant Engineer, 1st Grade, from the Ravi Bridge Division to Extension Survey Division, No. 11.

Mr. S. Geoghegan, Assistant Engineer, 2nd Grade, from the Indus Tunnel Division to the Chenab Bridge Division.

Major M. G. Clerk, Assistant Engineer, 1st Grade, from the Chenab Bridge to the Extension Survey Division, No. 1.

CHARLES POLLARD, *Lieut. Col., R.E.,*
Consulting Engr. to the Govt. of India for Railways in Punjab.

POST OFFICE.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 22nd March 1872.

Adie, F. C.
Adels, E. J.

Barnes, Mrs. E.
Barnard, G.
Baird, A.
Braton, Mr.
Bennet, J.
Band, W.
Brett, N. C.
Brown, E.

C. N. Dutt.
Clarke, D.
Cocks, E.
Cockedy, J. T.
Camlie, Mr.
Campbell, R. L.
Chateler, C. J.
Curran, J.
Castello, M. G.
Curran, Mrs. J.

Dumas, S.
DeSilva, Miss R.
Durnet, T. F.
Dearsey, S. D.
D'Costa, Mrs. E.
Dey, Dhole & Co.
D'Cruz, J.
Davidson, Mrs.
Doran, P. J.

Edmunds, H. A. & Co.
Evangelis, D.
Eglinton, J. F. A.

Fry, R.
Fales, J. J.
Fox, J. C.
Freckelton, Mrs. L.
Frost, Mrs.

Gopal Chunder Roy.
Gomes, B. H.
Grant, J. W.

Hamilton, Mr.
Hanbury, Lt. C.
Hunter, Capt. R.
Harris, J. S.
Hanley, G.
Hamilton, J.
Howard, Mrs. M.
Hoff, J. R.

John,—Esq.
Jardine, W.

Knell, T.
Kyole, E. M.

Levinge, Mrs. C.
Levinia, Miss.
Lee, J. P.
Leighton, J.
Leeson, G. J. R.
Loughman, T. W. C.
Leevie, Miss.
Leader, Dr. T.

Marks, Mrs. A. J.
Mascurine, H.
Marshall, C. H.
Moopline, Mrs. M.
Murray, Dr. J.
Miller, H. W.
McPhail, J. W.
Nicholson, Mrs. Jane.

O'Donnell, H.

Phillips, T. L.
Parker, C. R. G.
Pirie, E.

Roderick, J.
Ritchie, T. R.
Rutherford,—Esq.

Smith, S. F. A.
Smith, C. S.
Smith, Rev. S.
Schaffter, Signor G.
Smith, Mrs. M.
Simson, Mrs. H.
Stewart, Capt. R. C.
Scott, D.
Strover, E. W.

The Manager, Victoria Press.
The Secy., Calcutta Hunt.
Thompson, J. H.
Thomson, Capt.
Thomson, Col. M.

Williamson, J. G.
Willson, S.
Wills, E.
Watlien, F.
Walls, E. B.

Young, Miss E. V.
Yate, S.
Youngs, Mr. G. B.

W. H. McGOWAN,
Post Master of Calcutta.

NOTIFICATION.

Calcutta, the 26th March 1872.

In order to avoid detention at Galle of the English Mail for Australia, it has been arranged that the mail packet for Australia shall leave Galle immediately after the Steamer from Suez arrives at that place. The mail packet for Australia will thus ordinarily leave Galle before the mail packet timed to start from Bombay on Tuesday (or Monday in the monsoon season) reaches Galle: and it has therefore been arranged that an extra Steamer shall leave Bombay every fourth Saturday (afternoon), commencing with Saturday the 6th April. All correspondence posted in India for Australia will therefore be forwarded *viâ* Bombay by this extra packet.

HUGH A. BROWN,

for *Offg. Depy. Dir. Genl. of the P. O. of India.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 30, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements & Notices by Private Individuals & Corporations.

Central Provinces Gazetteer—Edition of 1870, in one Vol.

A limited number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per Vol., exclusive of postage charge. Apply to Messrs. Thacker, Spink & Co., Calcutta; Thacker, Vining & Co., Bombay; or to Superintendent, Chief Commissioner's Office, Nagpúr.

Notice.

Mr. James Drummond Maxwell, and also Mr. Robert McDonald Ross and Mr. Hugh Walker Tulloch are authorized to sign our Firm from this date.

J. NICOL, FLEMING & CO.

CALCUTTA,
The 7th March 1872.

Notice.

Notice is hereby given that the Partnership which has for some time past been carried on by Alexander Lawrie, Cunningham Hudson, James Gordon Stewart and Henry John Simpson, at Calcutta, under the style or firm of "Balmer, Lawrie & Co.," and at Liverpool, under the style or firm of "Simpson, Lawrie & Co.," has been dissolved as from the 31st day of December 1871. All debts owing to the said Partnership are to be received and the liabilities of the said Partnership will be discharged by the said Alexander Lawrie, Cunningham Hudson and Henry John Simpson, who will carry on business at Calcutta, under the same style of "Balmer, Lawrie & Co.," and at Liverpool, under the same style of "Simpson, Lawrie & Co." As witness our hands the 14th day of March 1872.

ALEXANDER LAWRIE,
CUNNINGHAM HUDSON,
by his constituted Attorney,
ALEXANDER LAWRIE,
J. GORDON STEWART,
H. J. SIMPSON.

Witness,
SYLVR. DIGNAM,
Solicitor, Calcutta.

Notice.

To be peremptorily sold by the Registrar of the High Court of Judicature at Fort William in Bengal, at the Town Hall on Saturday, the twenty-seventh day of April one thousand eight hundred and seventy-two, at the hour of two o'clock in the afternoon, under a Decree of the said Court in its Oridinary Original Civil Jurisdiction, dated the seventeenth day of July one thousand eight hundred and seventy-one, and made in suit No. 386 of 1871, wherein Sagore Dutt was the plaintiff, and Zohoorul Hossain was the defendant, the undermentioned property, that is to say, *all those* two-storied and one-storied buildings and appurtenances, together with the land thereunto belonging, and on part whereof the same are erected and built, containing by estimation one biggah two cottahs and seven chittacks and one cutcha more or less situate, lying and being Block No. 9, Holding No. 185, Premises No. 9 and 9-1, and at present No. 9 and 10, Moulvie Emdad Ally's Lane, in the town of Calcutta, and butted and bounded as follows, that is to say, on the North by the Lane called Emdad Ally's Lane, on the West by a Lane and Drain, on the East by the tenanted house of Gousy Chikun Tailor and the tenanted land of Majeda Bibee, and on the South by the dwelling-house of Delwar Khan and the tenanted land of Gourmohun Ghose.

The abstract of Title and conditions of Sale may be seen and all further information obtained at the Office of Messieurs Robertson, Orr, Harriss and Francis, Attorneys for the plaintiff, No. 6, Hastings Street.

CALCUTTA HIGH COURT;
REGISTRAR'S OFFICE,
The 16th March 1872.

R. BELCHAMBERS,
Registrar.

Notice.

The appointment of a Clerk in this Office has been filled up. The unsuccessful candidates will consider this is a reply to their applications.

H. T. GEOGHEGAN,
Executive Engineer, Indus Tunnel Division.

ATTOCK,
The 19th March 1872.

Notice.

The appointment of a Draftsman in this Office has been filled up. The unsuccessful candidates will consider this is a reply to their applications.

H. T. GEOGHEGAN,
Executive Engineer, Indus Tunnel Division.

ATTOCK,
The 19th March 1872.

PROMISSORY NOTES.

Lost.

Government Promissory Notes Nos. 004176 for Rs. 3,000, 004187 for Rs. 2,000, 009729 for Rs. 1,000, and 005332 for Rs. 500, all of 5½ per cent. loan of 1859-60.

LUCKEYDAS MOOSTOFFY.

Stolen.

The following Government Promissory Notes of the Bank of Calcutta, originally standing in the name of Aroonachellumpilly, and last endorsed to Moottoosamypilly, the proprietor, by whom it was never endorsed to any other person. Payment of these Notes and interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of duplicates in favor of the proprietor:—

3½ per cent. Loan of 1853-54, dated 28th February 1854, No. 0000$\frac{78}{117}$, for Rs. 1,600.
4 per cent. Loan of 1835-36, dated 31st March 1836, No. 00$\frac{5910}{507}$, for Rs 2,800.
4 per cent. Loan of 1842-43, dated 1st February 1843, No. 00$\frac{7603}{5107}$, for Rs. 3,500.
4 per cent. Loan of 1854-55, dated 30th June 1854, No. 25289, for Rs. 2,000.

MOOTTOOSAMYPILLY,
Proprietor.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

CALCUTTA CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
4614 ...	A/85 85921 ...	1,000 ...	C. F. Pittar, Esq.
	A/85 85925 ...	1,000 ...	
	A/85 85926 ...	1,000 ...	
	A/85 91639 ...	1,000 ...	
	A/85 80185 ...	1,000 ...	
	A/60 41664 ...	100 ...	
	A/60 47694 ...	100 ...	
	A/60 32802 ...	100 ...	
	A/60 56317 ...	100 ...	
	A/60 03812 ...	100 ...	
4617 ...	A/60 42092 ...	100 ...	A. O. Smith, Esq.
4619 ...	A/57 71545 ...	50 ...	Baboo Troylukhnath Dass.
	Notes partially lost or destroyed.		
		Rs.	
4615 ...	A/53 63907 wrongly joined A/53 63906 wrongly joined	20 ...	A. Rogers, Esq.
4616 ...	A/9 53007 ...	20 ...	Messrs. D'Rozario & Co.
	A/9 95344 ...	20 ...	
4618 ...	A/74 76603 ...	20 ...	The Revd. Father R. Pegotti.

PAPER CURRENCY OFFICE;
CALCUTTA,
The 27th March 1872.

L. BERKELEY,
Asst. Commr. of Paper Currency.

BOMBAY CIRCLE.

REGISTER NO.	NO. OF NOTES.	VALUE.	NAME OF CLAIMANT
	Notes partially lost or destroyed.		
1871-72.		Rs.	
109 ...	C/57 50088 ...	10 ...	Captain John Nason, 49th Regt., Mhow.
	C/55 38053 ...	10 ...	
	C/55 29694 ...	10 ...	
	C/54 49436 ...	10 ...	
	C/73 21479 ...	10 ...	
124 ...	C/74 65656 ...	10 ...	Dewjee Bhanjee, Khand Bazar, Mandnee, Bombay.

PAPER CURRENCY OFFICE;
BOMBAY,
The 20th March 1872.

A. R. GORDON,
Assistant Commissioner.

LAHORE CIRCLE.

REGISTER No	No. OF NOTES.	VALUE	NAME OF CLAIMANT.
	Notes wholly lost or destroyed.		
		Rs.	
36 ...	$\frac{E}{4}$17547 ... $\frac{E}{5}$13536 ...	50 ... 20 ..	Lieutenant M. Churchill, 58th Regiment, Sealkote.

PAPER CURRENCY OFFICE,
LAHORE,
The 23rd March 1872.

R. A. FINK, *A. A. G.*,
for *Deputy Commissioner.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 30, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1872, and is hereby promulgated for general information :—

ACT No. I OF 1872.

THE INDIAN EVIDENCE ACT, 1872.

CONTENTS.

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

SECTION.

1. Short title.
   Extent.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. "May presume."
   "Shall presume."
   "Conclusive proof."

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given of facts in issue and relevant facts.
6. Relevancy of facts forming part of same transaction.
7. Facts which are occasion, cause, or effect of facts in issue.
8. Motive, preparation and previous or subsequent conduct.
9. Facts necessary to explain or introduce relevant facts.

SECTION.

10. Things said or done by conspirator in reference to common design.
11. When facts not otherwise relevant become relevant.
12. In suits for damages, facts tending to enable Court to determine amount, are relevant.
13. Facts relevant when right or custom is in question.
14. Facts showing existence of state of mind, or of body or bodily feeling.
15. Facts bearing on question whether act was accidental or intentional.
16. Existence of course of business when relevant.

ADMISSIONS.

17. Admissions defined.
18. Admission—
    by party to proceeding or his agent;
    by suitor in representative character;
    by party interested in subject-matter;
    by person from whom interest derived.
19. Admissions by persons whose position must be proved as against party to suit.
20. Admissions by persons expressly referred to by party to suit.
21. Relevancy of admissions against or in behalf of persons concerned.
22. When oral admissions as to contents of documents are relevant.
23. Admissions in civil cases when relevant.
24. Confession caused by inducement, threat, or promise irrelevant.
25. Confession made to a police officer not to be used as evidence.
26. Confession made by accused while in custody of police not to be used as evidence.

SECTION.

27. So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.
28. Confession made after removal of impression caused by inducement, threat, or promise, relevant.
29. Admission otherwise relevant not to become irrelevant because of promise of secrecy, &c.
30. Consideration of proved admission affecting person making it and others jointly under trial for same offence.
31. Admissions not conclusive proof, but may estop.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.
When it relates to cause of death;
or is made in course of business;
or against interest of maker;
or gives opinion as to public right or custom or matters of general interest.
or relates to existence of relationship.
or is made in will or deed of deceased person;
or relates to transaction mentioned in section 13, clause (*a*.)
or is made by several persons and expresses feelings relevant to matter in question.
33. Evidence in a former judicial proceeding when relevant.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

34. Entries in books of account when relevant.
35. Entry in public record, made in performance of duty enjoined by law, when relevant.
36. Maps and plans when relevant.
37. Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.
38. Statements in law-books.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

39. What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

40. Previous judgments relevant to bar a second suit or trial.
41. Judgments in probate, &c., jurisdiction.
42. Judgment, order, or decree between third parties when irrelevant and when not.
43. What judgments, &c., not relevant.
44. Fraud, collusion, and incompetency of Court may be proved.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. Opinions of experts.
46. Facts bearing upon opinions of experts.
47. Opinion as to hand-writing.
48. Opinion as to existence of right or custom when relevant.
49. Opinions as to usages, tenets, &c., when relevant.
50. Opinion on relationship, when relevant.
51. Grounds of opinion, when relevant.

CHARACTER WHEN RELEVANT.

52. In civil cases, character to prove conduct imputed, irrelevant.

SECTION.

53. In criminal cases, previous good character relevant.
54. Previous conviction in criminal trials relevant, but not previous bad character, except in reply.
55. Character as affecting damages.

Part II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

56. No evidence required of fact judicially noticed.
57. Facts of which Court must take judicial notice.
58. Facts admitted.

CHAPTER IV.—OF ORAL EVIDENCE.

59. Proof of facts by oral evidence.
60. Oral evidence must be direct.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. Proof of contents of documents.
62. Primary evidence.
63. Secondary evidence.
64. Proof of documents by primary evidence.
65. Cases in which secondary evidence relating to documents may be given.
66. Rules as to notice to produce.
67. Proof of signature and hand-writing of person alleged to have signed or written document produced.
68. Proof of execution of document required by law to be attested.
69. Proof where no attesting witness found.
70. Admission of execution by party to attested document.
71. Proof when attesting witness denies the execution.
72. Proof of document not required by law to be attested.
73. Comparison of hand-writings.

PUBLIC DOCUMENTS.

74. Public documents.
75. Private documents.
76. Certified copies of public documents.
77. Production of such copies.
78. Proof of other official documents.

PRESUMPTIONS AS TO DOCUMENTS.

79. Presumption as to genuineness of certified copies.
80. Presumptions on production of record of evidence.
81. Presumption as to Gazettes.
82. Presumption as to document admissible in England without proof of seal or signature.
83. Proof of maps made for purposes of any cause.
84. Presumption as to collections of laws and reports of decisions.
85. Presumption as to powers of attorney.
86. Presumption as to certified copies of foreign judicial records.
87. Presumption as to books and maps.
88. Presumption as to photographs, machine copies, and telegraphic messages.
89. Presumption as to due execution, &c., of documents not produced.
90. Documents thirty years old.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

SECTION.

91. Evidence of terms of written contract.
92. Exclusion of evidence of oral agreement.
93. Exclusion of evidence to explain or amend ambiguous document.
94. Exclusion of evidence against application of document to existing facts.
95. Evidence as to document unmeaning in reference to existing facts.
96. Evidence as to application of language which can apply to one only of several persons.
97. Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.
98. Evidence as to meaning of illegible characters, &c.
99. Who may give evidence of agreement varying terms of document.
100. Saving of provisions of Indian Succession Act relating to wills.

Part III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

101. Burden of proof.
102. On whom burden of proof lies.
103. Burden of proof as to particular fact.
104. Burden of proving fact to be proved to make evidence admissible.
105. Burden of proving that case of accused comes within exceptions.
106. Burden of proving fact especially within knowledge.
107. Burden of proving death of person known to have been alive within thirty years.
108. Burden of proving that person is alive who has not been heard of for seven years.
109. Burden of proof as to partnership, tenancy, and agency.
110. Burden of proof as to ownership.
111. Proof of good faith in transactions where one party is in relation of active confidence.
112. Birth during marriage, conclusive proof of legitimacy.
113. Proof of cession of territory.
114. Court may presume existence of certain facts.

CHAPTER VIII.—ESTOPPEL.

115. Estoppel.
116. Estoppel of tenant.
117. Estoppel of acceptor of bill of exchange, bailee, or licensee.

CHAPTER IX.—OF WITNESSES.

118. Who may testify.
119. Dumb witnesses.
120. Married persons in civil and criminal proceedings.
121. Judges and Magistrates.
122. Communications during marriage.
123. Evidence as to affairs of State.
124. Official communications.
125. Information as to commission of offences.
126. Professional communications.
127. Section 126 to apply to interpreters, &c.
128. Privilege not waived by volunteering evidence.
129. Confidential communication with legal advisers.

SECTION.

130. Production of witness' title-deeds.
131. Production of documents which another person, having possession, would be entitled to refuse to produce.
132. Witness not excused from answering on ground that answer will criminate.
Proviso.
133. Accomplice.
134. Number of witnesses.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. Order of production and examination of witnesses.
136. Judge to decide as to admissibility of evidence.
137. Examination-in-chief.
Cross-examination.
Re-examination.
138. Order of examinations. Direction of re-examination.
139. Cross-examination of person called to produce a document.
140. Witnesses to character.
141. Leading question.
142. When they must not be asked.
143. When they may be asked.
144. Evidence as to matters in writing.
145. Cross-examination as to previous statements in writing.
146. Questions lawful in cross-examination.
147. When witness to be compelled to answer.
148. Court to decide when question shall be asked and when witness compelled to answer.
149. Question not to be asked without reasonable grounds.
150. Procedure of Court in case of question being asked without reasonable grounds.
151. Indecent and scandalous questions.
152. Questions intended to insult or annoy.
153. Exclusion of evidence to contradict answers to questions testing veracity.
154. Question by party to his own witness.
155. Impeaching credit of witness.
156. Questions tending to corroborate evidence of relevant fact admissible.
157. Former statements of witness may be proved to corroborate later testimony as to same fact.
158. What matters may be proved in connection with proved statement relevant under sections 32 or 33.
159. Refreshing memory.
When witness may use copy of document to refresh memory.
160. Testimony to facts stated in document mentioned in section 158.
161. Right of adverse party as to writing used to refresh memory.
162. Production of documents.
Translation of documents.
163. Giving, as evidence, of document called for and produced on notice.
164. Giving, as evidence, of document production of which was refused on notice.
165. Judge's power to put questions or order production.
166. Power of jury or assessors to put questions.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

167. No new trial for rejection or improper reception of evidence.

SCHEDULE.

PART I.—Relevancy of Facts. Ch. I.—Preliminary, ss. 1—4.

THE INDIAN EVIDENCE ACT, 1872.

Preamble.

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Indian Evidence Act, 1872:"

Extent.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator;

Commencement of Act.

and it shall come into force on the first day of September 1872:

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India:

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861,' in so far as they relate to any matter herein provided for; and

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

Interpretation-clause.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court."

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition of which any person is conscious.

Illustrations.

(*a.*) That there are certain objects arranged in a certain order in a certain place, is a fact.

(*b.*) That a man heard or saw something is a fact.

(*c.*) That a man said certain words is a fact.

(*d.*) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(*e.*) That a man has a certain reputation is a fact.

'Relevant.'

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.

At his trial the following facts may be in issue:—

That A caused B's death;

That A intended to cause B's death;

That A had received grave and sudden provocation from B;

That A, at the time of doing the act which caused B's death, was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document."

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations.

A writing is a document.

Words printed, lithographed or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

"Evidence."

"Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence:

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

"Proved."

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

"Disproved."

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

"Not proved."

A fact is said not to be proved when it is neither proved nor disproved.

"May presume."

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

"Shall presume."

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

"Conclusive proof."

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall

not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

Evidence may be given of facts in issue and relevant facts.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustration.

(*a.*) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club;

A's causing B's death by such beating;

A's intention to cause B's death.

(*b.*) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Relevancy of facts forming part of same transaction.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Illustrations.

(*a.*) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.

(*b.*) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c.*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d.*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are occasion, cause, or effect of facts in issue.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

(*a.*) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b.*) The question is, whether A murdered B.

Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.

(*c.*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation and previous or subsequent conduct.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(*c.*) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d.*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakíls in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(*g.*) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h.*) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section thirty-two, (one), or

as corroborative evidence under section one hundred and fifty-seven.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section thirty-two, clause (one), or

as corroborative evidence under section one hundred and fifty-seven.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A—'I am leaving you because B has made me a better offer.' This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says, as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it was not committed by either B, C or D, is relevant.

In suits for damages, facts tending to enable Court to determine amount are relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

Facts relevant when right or custom is in question.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

Facts showing existence of state of mind, or of body or bodily feeling.

14. Facts showing the existence of any state of mind—such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling—are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists, not generally, but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin, is relevant.

(*c.*) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d.*) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e.*) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(*f.*) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(*g.*) A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h.*) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i.*) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j.*) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(*k.*) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(*l.*) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m.*) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n.*) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o.*) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(*p.*) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

Facts bearing on question whether act was accidental or intentional.

15. When there is a question whether an act was accidental or intentional the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Illustrations.

(*a.*) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(*b.*) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c.*) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Existence of course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(*a.*) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b.*) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

Admission—
by party to proceeding or his agent;

18. Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

by suitor in representative character;

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

by party interested in subject-matter;

Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

by person from whom interest derived.

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

Admissions by persons whose position must be proved as against party to suit.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

Illustration.

The question is, whether a horse sold by A to B is sound.

A says to B—'Go and ask C, C knows all about it.' C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases :—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section thirty-two.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the Captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section thirty-two, clause (two).

(*c.*) A is accused of a crime committed by him at Calcutta.

He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post-mark of that day.

The statement in the date of the letter is admissible, because, if A were dead it would be admissible under section thirty-two, clause (two).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakíl from giving evidence of any matter of which he may be compelled to give evidence under section 126.

Confession caused by inducement, threat or promise irrelevant.

24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

Confession made to a Police officer not to be used as evidence.

25. No confession made to a Police officer, shall be proved as against a person accused of any offence.

Confession made by accused while in custody of Police not to be used as evidence.

26. No confession made by any person whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

Confession made after removal of impression caused by inducement, threat or promise relevant.

28. If such a confession as is referred to in section twenty-four is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

PART I. Ch. 2.—Relevancy of Facts. Admissions, ss. 29—31. Statements by persons who cannot be called as witnesses, s. 32.

Confession otherwise relevant not to become irrelevant because of promise of secrecy, &c.

29. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Consideration of proved confession affecting person making it and others jointly under trial for same offence.

30. When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C." The Court may consider the effect of this confession as against B.

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

Admissions not conclusive proof, but may estop.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

when it relates to cause of death;

(1.) When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

or is made in course of business;

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document used in commerce written or signed by him or of the date of a letter or other document usually, dated, written or signed by him.

or against interest of maker;

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

or gives opinion as to public right or custom or matters of general interest;

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

or relates to existence of relationship;

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

or is made in will or deed of deceased person;

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

or relates to transaction mentioned in section 13, clause (*a*);

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen, clause (*a*).

or is made by several persons, and expresses feelings relevant to matter in question.

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(*a.*) The question is, whether A was murdered by B; or

A dies of injuries received in a transaction in the course of which she was ravished. The question is whether she was ravished by B: or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(*b.*) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c.*) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d.*) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e.*) The question is, whether rent was paid to A for certain land.

A letter from A's deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(*f.*) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g.*) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h.*) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i.*) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j.*) The question is, what was the price of grain on a certain day in a particular market. A statement of the price, made by a deceased bánya in the ordinary course of his business, is a relevant fact.

(*k*) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l.*) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

(*m.*) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(*n.*) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

Evidence in a former judicial proceeding when relevant.

33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

Provided

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

Entries in books of account when relevant.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

Entry in public record, made in performance of duty enjoined by law, when relevant.

35. An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Maps and plans when relevant.

36. Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statements in law-books.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

HOW MUCH OF A STATEMENT IS TO BE PROVED.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant

when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof

that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

Judgment, order or decree between third parties when irrelevant and when not.

42. Judgments, orders or decrees other than those mentioned in section forty-one, are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in sections forty, forty-one and forty-two, are irrelevant, unless the existence of such judgment, order or decree, is a fact in issue, or is relevant under some other provision of this Act.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under section forty, forty-one or forty-two, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

OPINIONS OF THIRD PERSONS WHEN RELEVANT.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

Illustrations.

(*a.*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

Facts bearing upon opinions of experts.

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a.*) The question is, whether A was poisoned by a certain poison.

The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(*b.*) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant though neither B, C nor D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c., when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under section four hundred and ninety-four, four hundred and ninety-five, four hundred and ninety-seven or four hundred and ninety-eight of the Indian Penal Code.

Illustrations.

(*a*.) The question is, whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(*b*.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

CHARACTER WHEN RELEVANT.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal proceedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In sections fifty-two, fifty-three, fifty-four and fifty-five, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

No evidence required of fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India:

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto.

Explanation.—The word 'Parliament,' in clauses (2) and (4), includes—

1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;
4. The Parliament of Scotland, and
5. The Parliament of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act or Regulation having the force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

PART II.—Proof. Ch 3—Facts which need not be proved, s. 58. Ch 4—Oral Evidence, ss 59—60. Ch 5—Documentary Evidence, ss 61—65.

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the official Gazette:

(10.) The territories under the dominion of the British Crown:

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons:

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakíls, pleaders and other persons authorized by law to appear or act before it:

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.—OF DOCUMENTARY EVIDENCE.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document:

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained;

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;

(3.) Copies made from or compared with the original;

(4.) Counterparts of documents as against the parties who did not execute them;

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a.*) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b*) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c*) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d.*) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:—

(*a.*) When the original is shown or appears to be in the possession or power

PART II.—Proof. Ch 5—Documentary Evidence, ss 66—78. Public Documents, s. 74.

of the person against whom the document is sought to be proved, or

of any person out of reach of, or not subject to, the process of the Court, or

of any person legally bound to produce it,

and when, after the notice mentioned in section sixty-six, such person does not produce it;

(*b.*) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;

(*c.*) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(*d.*) When the original is of such a nature as not to be easily moveable;

(*e.*) When the original is a public document within the meaning of section seventy-four;

(*f.*) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence;

(*g.*) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*c*) and (*d*), any secondary evidence of the contents of the document is admissible.

In case (*b*), the written admission is admissible.

In case (*e*) or (*f*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*g*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section sixty-five, clause (*a*), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it:—

(1.) When the document to be proved is itself a notice;

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it;

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4.) When the adverse party or his agent has he original in Court;

(5.) When the adverse party or his agent has admitted the loss of the document;

(6.) When the person in possession of the document is out of reach of, or not subject to, the process of the Court.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission of execution by party to attested document.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents:—

1. Documents forming the Acts, or records of the Acts—

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows:—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the Legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the Executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified, by any officer in British India, or by any officer in any Native State in alliance with Her Majesty, who is duly authorised thereto by the Governor General in Council, to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements, as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such evidence, statement or confession was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to document admissible in England without proof of seal or signature.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held, at the time when he signed it, the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Proof of maps made for purposes of any cause.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

PART II.—Proof. Ch. 5.—Documentary Evidence. Presumptions as to Documents, ss 84—90. Ch. 6.—Exclusion of Oral by Documentary Evidence, s 91—92

Presumption as to collections of laws and reports of decisions.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

and of every book purporting to contain reports of decisions of the Courts of such country.

Presumption as to powers of attorney.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to certified copies of foreign judicial records.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to books and maps.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to photographs, machine copies and telegraphic messages.

88. The Court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to due execution, &c., of documents not produced.

89. The Court shall presume that every document, called for and not produced after notice to produce, was attested, stamped and executed in the manner required by law.

Documents thirty years old.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section eighty-one.

Illustrations.

(*a.*) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b.*) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c.*) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

Evidence of terms of written contract.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills under the Indian Succession Act may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

(*a.*) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b.*) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c.*) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d*) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e.*) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

Exclusion of evidence of oral agreement.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

PART II Proof CH. 6—Exclusion of Oral by Documentary Evidence ss 93—95

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement as to any matter on which a document is silent and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a.*) A policy of insurance is effected on goods "in ships from Calcutta to London" The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b.*) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1873. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c.*) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d.*) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(*e.*) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed

(*f.*) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g.*) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(*h.*) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i.*) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money In a suit for the amount, A may prove this.

(*j.*) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a.*) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500'

Evidence cannot be given to show which price was to be given.

(*b*) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

(*a.*) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b.*) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

PART II.—Proof
Ch. 6.—Exclusion of Oral by Documentary Evidence, ss. 99—100

Illustration.

A, a sculptor, agrees to sell to B 'all my mods.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence of agreement varying terms of document.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

PART III.—Production and effect of Evidence
Ch. 7.—Burden of Proof, ss. 101—109.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

On whom burden of proof lies.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a.*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.

(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document.

A must prove that the document has been lost.

Burden of proving that case of accused comes within exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.

The burden of proof is on A.

(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.

The burden of proof is on A.

(*c*) Section three hundred and twenty-five of the Indian Penal Code provides that whoever, except in the case provided for by section three hundred and thirty-five, voluntarily causes grievous hurt, shall be subject to certain punishments.

A is charged with voluntarily causing grievous hurt under section three hundred and twenty-five.

The burden of proving the circumstances bringing the case under section three hundred and thirty-five lies on A.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations.

(*a*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(*b.*) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.

Burden of proving death of person known to have been alive within thirty years.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years.

108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

PART III.—Production and effect of Evidence. Ch. 7.—Burden of Proof, ss. 110–114. Ch. 8.—Estoppel, ss. 115–117.

Burden of proof as to ownership.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Proof of good faith in transactions where one party is in relation of active confidence.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney. is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney

(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

Birth during marriage, conclusive proof of legitimacy.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Proof of cession of territory.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Court may presume existence of certain facts.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

(*a.*) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;

(*b.*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;

(*c.*) That a bill of exchange, accepted or endorsed, was accepted or endorsed, for good consideration;

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;

(*e.*) That judicial and official acts have been regularly performed;

(*f.*) That the common course of business has been followed in particular cases;

(*g.*) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it;

(*h.*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business:

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (*f*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

Estoppel.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

Estoppel of tenant.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.

OF WITNESSES.

PART III — Production and effect of Evidence
Ch 9 — Witnesses, ss 118—129

Who may testify.

118. All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a.*) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.

(*b.*) A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the Superior Court.

(*c.*) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such barrister, attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(*a.*) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b.*) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c.*) A, being charged with embezzlement, retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126 to apply to interpreters, &c.

127. The provisions of section one hundred and twenty-six shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakíls.

Privilege not waived by volunteering evidence.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section one hundred and twenty-six; and if any party to a suit or proceeding calls any such barrister, attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Confidential communication with legal advisers

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers him-

self as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

Production of witness' title-deeds.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property, or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of documents which another person, having possession, would be entitled to refuse to produce.

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Witness not excused from answering on ground that answer will criminate.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Proviso.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Accomplice.

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Number of witnesses.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

Order of production and examination of witnesses.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of any such law, by the discretion of the Court.

Judge to decide as to admissibility of evidence.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a*.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b*.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c*.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d*.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

Examination-in-chief.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

Cross-examination.

The examination of a witness by the adverse party shall be called his cross-examination.

Re-examination.

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

Order of examinations. Direction of re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading question.

141. Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.

When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—'B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend

(1) to test his veracity;

(2) to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section one hundred and thirty-two shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer, the inference that the answer if given would be unfavourable.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section one hundred and forty-eight ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a*) A barrister is instructed by an attorney or vakíl that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b*.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c*.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a.*) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b.*) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c.*) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d.*) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Question by party to his own witness.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him:—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit;

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence;

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a.*) A sues B for the price of goods sold and delivered to B.

C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b.*) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Questions tending to corroborate evidence of relevant fact, admissible.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

Former statements of witness may be proved to corroborate later testimony as to same fact.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

What matters may be proved in connection with proved statement relevant under section 32 or 33.

158. Whenever any statement, relevant under section thirty-two or thirty-three, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

Refreshing memory.

159. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning

PART III.—Production and effect of Evidence. Ch. 10.—Examination of witnesses, ss. 160—166. Ch. 11.—Improper Admission and Rejection of Evidence, s. 167.

which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

When witness may use copy of document to refresh memory.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

Testimony to facts stated in document mentioned in section 159.

160. A witness may also testify to facts mentioned in any such document as is mentioned in section one hundred and fifty-nine, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory.

161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it; such party may, if he pleases, cross-examine the witness thereupon.

Production of documents.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence: and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Giving as evidence of document called for and produced on notice.

163. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document production of which was refused on notice.

164. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sues B on an agreement and gives B notice to produce it. At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

Judge's power to put questions or order production.

165. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of the parties, about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections one hundred and twenty-one to one hundred and thirty-one both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections one hundred and forty-eight or one hundred and forty-nine; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

Power of jury or assessors to put questions.

166. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

No new trial for rejection or improper reception of evidence.

167. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court, before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.
Stat. 26 Geo. III, c. 57	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.
Stat. 14 & 15 Vic. c. 99.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
Act XV of 1852	To amend the Law of Evidence.	So much as has not been heretofore repealed.
Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
Act II of 1855 ...	For the further improvement of the Law of Evidence.	So much as has not been heretofore repealed.
Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
Act I of 1868 ...	The General Clauses Act, 1868.	Sections seven and eight.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1872, and is hereby promulgated for general information :—

ACT No. II OF 1872.

An Act to revive and continue the operation of Act XV of 1867 (to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes).

Preamble.

WHEREAS the term for which Act XV of 1867 was enacted to be in force has expired, and it is expedient to revive and continue the operation of the said Act; It is hereby enacted as follows :—

Revival and continuance of Act XV of 1867.

1. Act XV of 1867 shall be deemed to be and to have been in force throughout the territories subject to the control of the Lieutenant Governor of the Panjáb from the last day of February 1872, and shall continue in force in the said territories until the first day of March 1873.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1872, and is hereby promulgated for general information :—

ACT No. III OF 1872.

An Act to provide a form of Marriage in certain cases.

Preamble.

WHEREAS it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful; It is hereby enacted as follows :—

Local extent. Commencement.

1. This Act extends to the whole of British India, and shall come into force on the passing thereof.

Conditions upon which marriages under Act may be celebrated.

2. Marriages may be celebrated under this Act between persons neither of whom professes the Christian or the Jewish, or the Hindú or the Muhammadan, or the Pársí or the Buddhist, or the Sikh or the Jaina religion, upon the following conditions :—

(1).—Neither party must, at the time of the marriage, have a husband or wife living:

(2).—The man must have completed his age of eighteen years, and the woman her age of fourteen years, according to the Gregorian calendar:

(3).—Each party must, if he or she has not completed the age of twenty-one years, have obtained the consent of his or her father or guardian to the marriage :

(4).—The parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal.

1st Proviso.—No such law or custom, other than one relating to consanguinity or affinity, shall prevent them from marrying.

2nd Proviso.—No law or custom as to consanguinity shall prevent them from marrying, unless a relationship can be traced between the parties through some common ancestor, who stands to each of them in a nearer relationship than that of great-great-grand-father or great-great-grand-mother, or unless one of the parties is the lineal ancestor, or the brother or sister of some lineal ancestor, of the other.

Appointment of Marriage Registrars.

3. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its administration. The officer so appointed shall be called 'Registrar of Marriages under Act III of 1872,' and is hereinafter referred to as 'the Registrar.' The portion of territory for which any such officer is appointed shall be deemed his district.

One of the parties to intended marriage to give notice to Registrar.

4. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar, before whom it is to be solemnized.

The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for fourteen days before such notice is given.

Such notice may be in the form given in the first schedule to this Act.

Notice to be filed and copy entered in the Marriage Notice Book.

5. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of every such notice in a book to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book under Act III of 1872," and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Objection to marriage.

6. Fourteen days after notice of an intended marriage has been given under section four, such marriage may be solemnized, unless it has been previously objected to in the manner hereinafter mentioned.

Any person may object to any such marriage on the ground that it would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two.

The nature of the objection made shall be recorded in writing by the Registrar in the register, and shall, if necessary, be read over and explained to the person making the objection, and shall be signed by him or on his behalf.

Procedure on receipt of objection.

7. On receipt of such notice of objection the Registrar shall not proceed to solemnize the marriage until the lapse of fourteen days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of fourteen days from the opening of such Court.

Objector may file suit.

The person objecting to the intended marriage may file a suit in any Civil Court having local jurisdiction (other than a Court of Small Causes) for a declaratory decree, declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two.

Certificate of filing of suit to be lodged with Registrar.

8. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within fourteen days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within fourteen days of the opening of such Court, the marriage shall not be solemnized till the decision of such Court has been given and the period, allowed by law for appeals from such decision, has elapsed; or, if there be an appeal from such decision, till the decision of the Appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, or if the decision of the Court be that such marriage would not contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two, the marriage shall not be solemnized.

Court may fine when objection not reasonable.

9. Any Court, in which any such suit as is referred to in section seven is filed, may, if it shall appear to it that the objection was not reasonable and *bonâ fide*, inflict a fine, not exceeding one thousand rupees, on the person objecting, and award it, or any part of it, to the parties to the intended marriage.

Declaration by parties and witnesses.

10. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the second schedule to this Act. If either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her father or guardian, except in the case of a widow, and, in every case, it shall be countersigned by the Registrar.

Marriage how to be solemnized.

11. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses, 'I, [*A*,] take thee, [*B*,] to be my lawful wife (*or* husband).'

Place where marriage may be solemnized.

12. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire. Provided that the Local Government may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon.

13. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the 'Marriage Certificate Book under Act III of 1872,' in the form given in the third schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses.

Form of certificate.

14. The Local Government shall prescribe the fees to be paid to the Registrar for the duties to be discharged by him under this Act.

Fees.

The Registrar may, if he think fit, demand payment of any such fee before solemnization of the marriage or performance of any other duty in respect of which it is payable.

The said Marriage Certificate Book shall at all reasonable times be open for inspection, and shall be admissible as evidence of the truth of the statements therein contained. Certified extracts therefrom shall on application be given by the Registrar on the payment to him by the applicant of a fee to be fixed by the Local Government for each such extract.

15. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section four hundred and ninety-four or section four hundred and ninety-five of the Indian Penal Code, as the case may be; and the marriage so solemnized is void.

Penalty on married person marrying again under Act.

16. Every person married under this Act who, during the lifetime of his or her wife or husband, contracts any other marriage, shall be subject to the penalties provided in sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the lifetime of a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage.

Punishment of bigamy.

17. The Indian Divorce Act shall apply to all marriages contracted under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section two of this Act.

Indian Divorce Act to apply.

18. The issue of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriages by reason of consanguinity and affinity, and the provisoes to section two of this Act shall apply to them.

Law to apply to issue of marriages under Act.

19. Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage; but if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.

Saving of marriages solemnized otherwise than under Act.

20. All persons who have heretofore contracted marriages in the presence of at least two witnesses, according to any form whatever, may at any time, previous to the first day of January 1873, have such marriages registered under this Act, and such marriages shall thereupon be deemed to be and to have been as valid as if they had been contracted and solemnized under this Act. Provided that persons who have such marriages registered under this section must, on such registry, sign a declaration in the form given in the fourth schedule to this Act.

Registry of marriages contracted before passing of Act.

No marriage shall be registered under this section unless conditions (1), (3) and (4) of section two were complied with; and no such marriage shall be registered under this section if, during its continuance, either party has contracted a subsequent marriage.

21. Every person making, signing or attesting any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section one hundred and ninety-nine of the Indian Penal Code.

Penalty for signing declarations or certificates containing false statements.

FIRST SCHEDULE.

(*See Section* 4).

NOTICE OF MARRIAGE.

To a Registrar of Marriages under Act III of 1872 for the District.

I hereby give you notice that a marriage under Act III of 1872, is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.
A B	*Unmarried. Widower.*	*Landowner.*	*Of full age.*	.....	*23 days.*
C D	*Spinster.*	.....	*Minor.*	.....	.....

Witness my hand, this day of 187 .

(Signed) *A. B.*

SECOND SCHEDULE.

(*See Section* 10).

Declaration to be made by the Bridegroom.

I, *A B*, hereby declare as follows:—

1. I am at the present time unmarried:

2. I do not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion.

3. I have completed my age of eighteen years:

4. I am not related to *C D* [*the bride*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal:

[*And when the bridegroom has not completed his age of twenty-one years:*

5. The consent of my father [*or* guardian, *as the case may be*] has been given to a marriage between myself and *C D*, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(*Signed*) *A B* (*the bridegroom*).

Declaration to be made by the Bride:—

I, *C D*, hereby declare as follows:—

1. I am at the present time unmarried:

2. I do not profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion.

3. I have completed my age of fourteen years:

4. I am not related to *A B* [*the bridegroom*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A B* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal.

[*And when the bride has not completed her age of twenty-one years, unless she is a widow:*

5. The consent of *M N* my father [*or* guardian, *as the case may be*], has been given to a marriage between myself and *A B*, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D*:

G H, *I J*, *K L*, (*three witnesses*).

[*And when the bridegroom or bride has not completed the age of twenty-one years, except in the case of a widow:*

Signed in my presence and with my consent by the above *A B* and *C D*:

M N, the father [*or* guardian] of the abovenamed *A B* [*or C D, as the case may be.*]

(Countersigned) *E F*,

Registrar of Marriages under Act III of 1872 *for the District of*

Dated the day of 18 .

THIRD SCHEDULE.

(*See section* 13).

Registrar's Certificate.

I, *E F*, certify that, on the of 18 appeared before me *A B* and *C D*, each of whom in my presence and in the presence of three credible witnesses, whose names are signed hereunder, made the declarations required by Act III of 1872, and that a marriage under the said Act was solemnized between them in my presence.

(Signed) *E F*,

Registrar of Marriages under Act III of 1872 *for the District of*

(Signed) *A B*,
C D,

G H, *I J*, *K L*, (*three witnesses*).

Dated the day of 18 .

FOURTH SCHEDULE.

(*See section* 20).

Declaration to be made by the Husband.

I, *A B*, hereby declare as follows:—

1. I was married to *C D* at (*place*), on or about (*date*) in the presence of (*two witnesses*):

2. I was, at the time of my marriage to my wife, *C D*, unmarried:

3. I did not at such time profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion:

4. I have not contracted any subsequent marriage:

5. I am not related to *C D* [*the wife*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C D* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal:

[*And when the bridegroom had not completed his age of twenty-one years:*

6. The consent of my father [*or* guardian, *as the case may be*], had been given to a marriage between myself and *C D*, and had not been revoked.]

7. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(*Signed*) *A B* (*the husband*).

Declaration to be made by the Wife:—

I, *C D*, hereby declare as follows:—

1. I was married to *A B* at (*place*), on or about (*date*) in the presence of (*two witnesses*):

2. I was, at the time of my marriage to my husband, *A B*, unmarried:

3. I did not at such time profess the Christian, Jewish, Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion :

4. I have not contracted any subsequent marriage :

5. I am not related to *A B* [*the husband*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A B* is subject, and subject to the provisoes of clause (4) of section two of Act III of 1872, render a marriage between us illegal.

[*And when the bride had not, at the time of her marriage, completed her age of twenty-one years, unless she was then a widow :*

6. The consent of *M N* my father [*or* guardian, *as the case may be*] had at such time been given to a marriage between myself and *A B*, and had not been revoked :]

7. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

Signed in our presence by the abovenamed *A B* and *C D :*

G H, } (*two witnesses*).
I J, }

(Countersigned) *E F,*

Registrar of Marriages under Act III of 1872 *for the District of*

Dated the day of 18 .

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1872, and is hereby promulgated for general information :—

ACT No. IV OF 1872.

THE PANJAB LAWS ACT, 1872.

CONTENTS.

Preamble.

SECTION.

1. Short title.
2. Local extent.
   Commencement.
3. Enactments in force.
4. Enactments repealed.

CIVIL JUDICATURE.

5. Decisions in certain cases to be according to Native law.
6. Decisions in cases not specially provided for.
7. Local customs and mercantile usages when valid.

SECTION.

DESCENT OF JÁGHÍRS.

8. Rule of descent in family of assignee of land-revenue.

PRE-EMPTION.

9. Right of pre-emption defined.
10. To what transactions it extends.
11. Presumption of its existence in village communities.
12. Its existence in towns to be proved.
13. Notice to persons concerned, by vendor or mortgagee of property subject to right.
14. Devolution of right when property to be sold is part of a village.
15. Share of certain immoveable property to be offered to co-sharers.
16. Decision of questions between persons claiming right in respect of immoveable property in towns.
17. Suit against vendor or purchaser by person claiming right, to whom no *bonâ fide* offer of the property sold was made.
18. Decree what to contain.
    Effect of non-payment of purchase-money on date fixed by decree.
19. Party to sale by joint owners cannot withdraw his share and claim pre-emption as to rest.
20. Preferential right of co-sharers in well where chakdárí tenure prevails.

DECREES CONCERNING LAND.

21. Copy of decrees affecting land to be forwarded to Deputy Commissioner.

INSOLVENCY.

22. Power to invest Courts with insolvency jurisdiction.
23. Petition to Court for adjudication of insolvency.
24. Procedure of Court thereupon.
    Insolvent defined.
25. Insolvent guilty of misconduct may be imprisoned.
26. Fraudulent transfers in expectation of insolvency may be annulled.
27. Power of Court to sell or administer insolvent's estate.
28. Power to give effect to compositions.
29. When Court may order discharge of insolvent.
    Effect of order.
30. Foregoing rules not to apply to persons admitted to benefit of insolvency law in presidency towns.
31. Chief Court empowered to frame rules.
32. Power to exclude any class from operation of such rules.
33. Saving of previous insolvency proceedings.

MINORS AND THE COURT OF WARDS.

34. Deputy Commissioners to be Courts of Wards.
35. Jurisdiction of Court of Wards.
    Bar of jurisdiction in certain cases.
36. Deputy Commissioner may inquire into circumstances affecting jurisdiction.
37. Appeal to Commissioner against order under section 36.
38. Extent of jurisdiction.

SECTION.

CRIMINAL JUDICATURE.

39. Indian Penal Code to apply to offences committed previous to first January 1862.
Saving of privileges conferred on certain Chiefs.

HONORARY POLICE OFFICERS.

40. Local Government may invest any person with powers of Police officer.

TRACK LAW.

41. Trackers may call for assistance in carrying on tracks.
42. Penalty for withholding assistance or conniving at offence or escape.
Limit to fine.
Appeal to Chief Court.
Fine may be awarded to injured parties, and fee to tracker.

SLAUGHTER OF KINE.

43. Control of slaughter of kine and sale of beef.

ARMED MEN AND FOREIGN VAGRANTS.

44. Control of entry into towns of bands of armed men.
45. Powers of Magistrate of District as to foreign vagrants.
46. Surveillance, &c., of band failing to comply with Magistrate's order.

MISCELLANEOUS.

47. Regulation of crossing of streams on buoys or skins;
48. of use of pasturage or natural product of Government land;
49. and of growing, selling, or keeping opium.
50. Local Government to make rules.
Penalty for breach of rules.
Existing rules confirmed.
51. Republication of rules and orders.
Schedule I. Enactments declared to be in force.
Schedule II. Enactments repealed.

An Act for declaring which of certain rules, laws and regulations have the force of law in the Panjáb, and for other purposes.

Preamble.

WHEREAS certain rules, laws and regulations, made heretofore for the Panjáb, acquired the force of law under the provisions of section twenty-five of the "Indian Councils' Act, 1861;" and whereas it is expedient to declare which of the said rules, laws and regulations shall henceforth be in force in the Panjáb, and to amend, consolidate or repeal others of the said rules, orders and regulations; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Panjáb Laws Act, 1872."

Local extent.

2. It extends to the territories now under the administration of the Lieutenant-Governor of the Panjáb, but not so as to alter the effect of any regulations made for any parts of the said territories under the Statute 33 Vic., c. 3, s. 1;

Commencement.

And it shall come into force on the first day of June 1872.

Enactments in force.

3. The Regulations, Acts and orders specified in the first schedule hereto annexed are in force in the Panjáb to the extent specified in the third column of the said schedule.

Enactments repealed.

4. The Regulations, Acts and orders specified in the second schedule hereto annexed are repealed to the extent specified in the third column thereof.

CIVIL JUDICATURE.

Decisions in certain cases to be according to Native law.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partition, or any religious usage or institution,

the rule of decision shall be—

(1) any custom of any body or class of persons, which is not contrary to justice, equity and good conscience and has not been declared to be void by any competent authority,

(2) the Muhammadan law, in cases where the parties are Muhammadans, and the Hindú law, in cases where the parties are Hindús, except in so far as such law has been altered or abolished by legislative enactment, or is opposed to the provisions of this Act, or has been modified by any such custom as is referred to in the preceding clause of this section.

Decisions in cases not specially provided for.

6. In cases not otherwise specially provided for, the Judges shall decide according to justice, equity and good conscience.

Local customs and mercantile usages when valid.

7. All local customs and mercantile usages shall be regarded as valid, unless they are contrary to justice, equity or good conscience, or have, before the passing of this Act, been declared to be void by any competent authority.

DESCENT OF JÁGHÍRS.

Rule of descent in family of assignee of land-revenue.

8. In all cases in which Government has declared any rule of descent to prevail in any family or families of assignees of land-revenue, such rule of descent shall be held to prevail, and to have prevailed amongst them from the time when the declaration was made.

PRE-EMPTION.

Right of pre-emption defined.

9. The right of pre-emption is a right on the part of certain persons to purchase immoveable property in certain cases in preference to all other persons.

To what transactions it extends.

10. The right of pre-emption extends to all permanent dispositions of property, including sales under a decree of Court and foreclosures of mortgages; but it does not affect transfers made in good faith by way of gift, nor temporary dispositions of property.

Presumption of its existence in village communities.

11. The right of pre-emption shall be presumed to exist, whether recorded in the list of customs at settlement or not, in all village communities however constituted, unless the existence of any custom or contract to the contrary can be proved. It

shall be presumed to extend to the village site, to the houses built upon it, to all lands and shares of lands within the village boundary, and to all transferable rights of occupancy affecting such lands.

Its existence in towns to be proved.

12. The right of pre-emption shall not be presumed, but may be shown, to exist in any town or city or any sub-division thereof.

Notice to persons concerned, by vendor or mortgagee of property subject to right.

13. When any person proposes to sell any property, or to foreclose a mortgage upon any property which is subject to the custom of pre-emption, he must give notice to the persons concerned of the price at which he offers to sell such property, or of the amount due in respect of such mortgage, as the case may be.

Devolution of right when property to be sold is part of a village.

14. If the property to be sold is situated within, or is a share of, a village, the right to accept such offer or to redeem such mortgage belongs, in the absence of custom to the contrary,

First, to co-sharers in the village in order of relationship to the vendor or mortgagor;

Secondly, if no relation of the vendor or mortgagor claim pre-emption, to the landowners of the pattí or other sub-division of the village in which the property is situated, jointly;

Thirdly, to any member of the village community;

Fourthly, to tenants with rights of occupancy in the village, if any.

Share of certain immoveable property to be offered to co-sharers.

15. If the property to be sold is a share in joint undivided immoveable property, other than land, the offer to sell must be made to the co-sharers.

Decision of questions between persons claiming right in respect of immoveable property in towns.

16. When any question arises between persons claiming a right of pre-emption over any immoveable property situated in any town or city, such questions shall, in the absence of custom to the contrary, be decided according to vicinity, relationship or the merits of the case.

Suit against vendor or purchaser by person claiming right, to whom no *bonâ fide* offer of the property sold was made.

17. Any person who claims a right of pre-emption over any property, may bring a suit against the vendor or purchaser on the ground, either that no previous offer of the property sold was made to him, or that any such offer to sell made to him was not made in good faith; and if the Court is of opinion that the plaintiff has a right of pre-emption over such property, and that no such offer was made or that the offer was not made in good faith, it shall make a decree directing the defendant to sell such property to the plaintiff at such a price as appears to the Court to be the fair market-value of the property.

Decree what to contain.

Effect of non-payment of purchase-money on date fixed by decree.

18. The decree shall specify a day on or before which the purchase-money shall be paid. If the purchase-money is not paid before sunset on that day, the decree shall become void, and the plaintiff shall lose his right of pre-emption over the property to which it relates.

Party to sale by joint owners cannot withdraw his share and claim pre-emption as to rest.

19. In case of sale by joint owners, no person who has been a party can withdraw his own share and claim a right of pre-emption as to the rest.

Preferential right of co-sharers in well where chakdárí tenure prevails.

20. In villages in which the chakdárí tenure prevails, the co-sharers in a well have a right of pre-emption as to shares in such well in preference to a general proprietor in any such village, having no share in the well but merely receiving a haq zamíndárí from the "chakdárs."

DECREES CONCERNING LAND.

Copy of decrees affecting land to be forwarded to Deputy Commissioner.

21. Every Judge of a Civil Court in which a decree affecting the proprietary right in or possession of land is passed, shall cause a certified copy of such decree to be forwarded to the Deputy Commissioner of the district within a month from the making of such decree.

INSOLVENCY.

Power to invest Courts with insolvency jurisdiction.

22. The Local Government may invest any Court or any class of Courts with insolvency jurisdiction in any specified local area.

Petition to Court for adjudication of insolvency.

23. Any debtor, whose debts amount to Rupees five hundred or upwards, and any creditor or creditors, to whom an aggregate sum of not less than rupees five hundred is due from any such debtor, may petition the Court having local insolvency jurisdiction that the debtor be adjudicated an insolvent.

Procedure of Court thereupon.

24. If it appear that the debtor's liabilities amount to more than Rupees five hundred, the Court may—

(1) call upon the debtor to make a statement of his assets and liabilities;

(2) invite by proclamation or otherwise the appearance of persons to record claims against the debtor;

(3) register all claims so recorded;

(4) call upon the debtor to give reasonable security for his appearance, or, on default of reasonable security, order his confinement in the civil jail;

(5) attach all the debtor's property in the Panjáb, moveable or immoveable;

(6) pass an order exempting the person and property of the debtor from further legal process, pending inquiry and the final orders of the Court.

Insolvent defined.

A debtor on whom the order referred to in clause six of the last preceding section is passed, is deemed an insolvent.

Insolvent guilty of misconduct may be imprisoned.

25. The Court shall make full enquiry into the origin, nature, and circumstances of the debts, and the conduct of the debtor in relation thereto; and if the insolvent be shown to have been guilty of concealment, fraud, recklessness or other gross misconduct in reference to the debts, and if his discharge, for that reason, is opposed by any of the creditors, the Court may, at its discretion, award a term of imprisonment in the civil jail not exceeding one year.

Fraudulent transfers in expectation of insolvency may be annulled.

26. If it appear that the debtor, after becoming unable to meet his liabilities, or in expectation of becoming so, has transferred his property, or any part thereof, with a view to defrauding his creditors, or to giving one or more creditors a fraudulent preference over the others, the Court shall annul such transfer, and treat the property transferred as the other property of the debtor.

Power of Court to sell or administer insolvent's estate.

27. The property of the insolvent shall be sold or administered, under the direction of the Court, either through the agency of its own officers or of assignees to be appointed by the Court, in the manner most conducive to the interest of the creditors, and the proceeds shall be divided rateably amongst them.

Power to give effect to compositions.

28. The Court shall give effect to any composition or arrangement agreed upon between the debtor and the majority of the creditors: Provided that no injustice or injury appears to be inflicted by such composition or arrangement on any of the parties concerned, and that no fraud nor collusion is suspected. If any creditor objects to such arrangement, the Court shall decide as to the reasonableness of the objection.

When Court may order discharge of insolvent.

29. When the sale or administration of the insolvent's property is complete, the Court may order the insolvent to be discharged, on his signing an agreement to liquidate, from any property which he may subsequently acquire, such portion of his debts as remains unpaid. Such order of discharge shall preclude any creditor whose claim is registered from suing the debtor in respect of such claim, unless it be shown that the debtor has acquired property, since the order of discharge, out of which the claim might have been defrayed.

Effect of order.

Foregoing rules not to apply to persons admitted to benefit of insolvency law in presidency towns.

30. Nothing in the preceding sections shall apply to persons who may have been admitted to the benefit of any insolvency law at a presidency town; nor shall any order passed under the preceding sections affect the remedy of any creditor against his debtor in respect of property which, at the time of the insolvency of such debtor, was not in the Panjáb.

Chief Court empowered to frame rules.

31. The Chief Court of the Panjáb may, with the sanction of the Local Government, from time to time, frame and issue rules, conformable to the provisions hereinbefore contained, for the better administration of insolvent estates, and may with the like sanction alter any such rules.

Power to exclude any class from operation of such rules.

32. The Local Government may at any time, with the previous sanction of the Governor General in Council, exclude any particular class or race from the operation of these rules.

Saving of previous insolvency proceedings.

33. No proceedings of any Court in the exercise of insolvency jurisdiction, had before the passing of this Act, shall be held to have been invalid solely on the ground that such Court did not possess such jurisdiction; all cases pending in any Court of Insolvency when this Act comes into force, shall be subsequently conducted, so far as may be, in conformity with the rules now prescribed.

MINORS AND THE COURT OF WARDS.

Deputy Commissioners to be Courts of Wards.

34. Deputy Commissioners shall be Courts of Wards within their respective districts, but shall exercise the functions of such Courts subject to the control of the Commissioner and Financial Commissioner.

Jurisdiction of Court of Wards.

35. The Court of Wards may, at its discretion, take charge of and administer the estates of all females, all minors under the age of eighteen, and idiots or lunatics, who may inherit any beneficial interest in any estate for which a settlement was made with their ancestor, or in respect of which they would have been entitled to be settled with, if they had been competent to make an agreement for the payment of revenue, or who are entitled by inheritance to any assignment of land-revenue:

Bar of jurisdiction in certain cases.

Provided that the Court of Wards shall not take charge of or administer any beneficial interest in an estate, in which more persons than one have a joint undivided interest, unless all such persons are so circumstanced as to be subject to the Court of Wards.

Deputy Commissioner may inquire into circumstances affecting jurisdiction.

36. The Deputy Commissioner may make an inquiry into the minority, lunacy or idiocy of any person, who, he has reason to believe, would, if found to be a minor, lunatic or idiot, be subject to the jurisdiction of the Court of Wards, and into the circumstances and property of any such person, and may make an order declaring such person to be subject to the jurisdiction of the Court of Wards.

Appeal to Commissioner against order under section 36.

37. Any such person may appeal to the Commissioner of the Division against any such order on the ground that he is not, or has ceased to be, a minor, or that he is not, or has ceased to be, a lunatic or idiot, and the decision of the Commissioner shall be certified to the Court of Wards, and shall be final.

Extent of jurisdiction.

38. The jurisdiction of the Court of Wards shall extend to the care and education, and to the management of the property, of the persons subject thereto; and the Local Government shall make rules as to the manner in which, and the agents by whom, such jurisdiction shall be exercised.

CRIMINAL JUDICATURE.

Indian Penal Code to apply to offences committed previous to first January 1862.

39. The provisions of the Indian Penal Code, with the exception of Chapter VI, shall be applicable to all offences committed before first January 1862, in territory which was, at the time of the commission of such offence, subject to the Government of the Panjáb:

Saving of privileges conferred on certain Chiefs.

Provided that nothing contained in this section shall affect any privilege conferred on certain Chiefs in the Panjáb by the Governor General in Council, or

by the Board of Administration for the affairs of the Panjáb, nor any indemnity or pardon granted by competent authority.

HONORARY POLICE OFFICERS.

Local Government may invest any person with powers of Police officer.

40. The Local Government may, if it thinks fit, confer on any person any of the powers which may be exercised by a Police officer under any Act for the time being in force.

TRACK LAW.

Trackers may call for assistance in carrying on tracks.

41. When an offence is, has been, or may reasonably be supposed to have been, committed, and the tracks of the persons who may reasonably be supposed to have committed such offence, or of any animal or other property reasonably supposed to be connected with such offence, are followed to a spot within the immediate vicinity of a village, the person following such tracks may call upon any Headman or Village Watchman in such village to assist in carrying on the tracks.

Penalty for withholding assistance or conniving at offence or escape.

42. If such Headman or Watchman do not forthwith give such assistance, or if the inhabitants of such village do not afford full opportunity for search in their houses for the offenders, or if, from the circumstances of the case, there shall appear good reason to believe that the inhabitants of such village, or any of them, were conniving at the offence or at the escape of the offenders, and such offenders cannot be traced beyond the village, the Magistrate of the district may, with the previous sanction of the Commissioner of the Division, inflict a fine upon such village not exceeding five hundred rupees, except in the case of stolen property over five hundred rupees in value, in which case the fine shall not exceed the value of such property.

Limit to fine

An appeal against all convictions under this section shall lie to the Chief Court.

Appeal to Chief Court.

The Magistrate may direct that the fine imposed under this section or any part thereof, shall be awarded to any persons injured by such offence in compensation for such injury; and, in the case of stolen property recovered through the agency of a tracker, may direct that such property be not restored to its owner until he has paid to such tracker such fee, not exceeding one-fourth part of the value of the stolen property, as to the said Magistrate seems fit.

Fine may be awarded to injured parties, and fee to tracker.

SLAUGHTER OF KINE.

Control of slaughter of kine and sale of beef.

43. The slaughter of kine and the sale of beef shall not take place, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

ARMED MEN AND FOREIGN VAGRANTS.

Control of entry into towns of bands of armed men.

44. No band of armed men shall enter into any city or town, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

Powers of Magistrate of District as to foreign vagrants.

45. The Magistrate of the District may, if he considers that any band of foreign vagrants is likely to occasion a breach of the peace or to commit any offence under the Indian Penal Code, prohibit such band from entering his district; or, if they are already in his district, may require them within a given time to leave it.

Surveillance, &c., of band failing to comply with Magistrate's order.

46. If any such band fail to comply with the orders of the said Magistrate within the prescribed period, he shall report the matter to the Local Government, and the Local Government may give such directions for the surveillance, control or deportation of such band, as to it seems fit.

MISCELLANEOUS.

Regulation of crossing of streams on buoys or skins;

47. No person shall cross any river or stream on a buoy or inflated skin, nor shall have in his possession or custody any buoy or skin for the purpose of being used in crossing any river or stream, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

of use of pasturage or natural product of Government land;

48. No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

and of growing, selling or keeping opium.

49. No person shall grow, sell or keep in his possession any opium, except with the consent and subject to rules to be from time to time, either generally or in any particular instance, prescribed by the Local Government.

Local Government to make rules.

50. The Local Government may issue rules as to the matters mentioned in sections forty-three to forty-nine inclusive, and may, from time to time, cancel or alter any such rules.

Penalty for breach of rules.

Any person who breaks any rule made by the Local Government under this Act, shall be punishable with a fine not exceeding rupees fifty, or imprisonment not exceeding a period of six months, or with both:

Provided—

(1) that such rules be not inconsistent with the provisions of this or any Act or law for the time being in force in the Panjáb;

(2) that, previous to notification, they be sanctioned by the Governor General in Council;

(3) that they be notified in the local Gazette.

Existing rules confirmed.

Existing rules upon the subjects hereinbefore mentioned shall, until otherwise directed by the Local Government, be deemed to have been issued under, and in conformity to, this section.

Republication of rules and orders.

51. All rules which the Local Government is empowered to issue under this Act, and all circulars issued by the Chief Court, shall, with the previous sanction of the Governor General in Council, be re-published once at

least in every year; and, upon such re-publication, shall be arranged in the order of their subject-matter; and all such alterations or amendments as may have been made in the course of the preceding year, or may have become necessary or advisable, shall be embodied therewith; and upon such re-publication all such rules and circulars, previously issued, shall be repealed.

SCHEDULE I.

Enactments declared to be in force.

Explanation.—This Schedule does not refer to any Act which is in its terms applicable to the Panjáb, or which has been extended to the Panjáb by competent authority.

Number and year.	Title.	Extent to which the enactment is in force
Reg. I of 1798	A Regulation to prevent Fraud and Injustice in conditional Sales of Land under Deeds of Bye-bil-wuffa, or other Deeds of the same nature	The whole, except such parts as relate to interest
Reg. X of 1804	A Regulation for declaring the Powers of the Governor General in Council to provide for the immediate Punishment of certain Offences against the State by the sentence of Courts Martial	The whole, so far it is not modified by Act V of 1841.
Reg XVII of 1806	A Regulation for extending to the Province of Benares the Rates of Interest on future Loans, and Provisions relative thereto, contained in Regulation XV, 1793; also for a general extension of the period fixed by Regulations I, 1798, and XXXIV, 1803, for the Redemption of Mortgages and Conditional Sales of Land, under Deeds of Bye-bil-wuffa, Kutcubaleh, or other similar designation	Sections seven and eight
Reg V of 1817 ..	A Regulation for declaring the Rights of Government and of Individuals with respect to hidden Treasure, and for prescribing the Rules to be observed on the Discovery of such Treasure.	The whole.
Reg. III of 1818	A Regulation for the Confinement of State Prisoners.	The whole.
Reg XI of 1825	A Regulation for declaring the Rules to be observed in determining Claims to Lands gained by alluvion, or by derelicition of a river or the sea.	The whole.

SCHEDULE I.

Enactments declared to be in force—(continued).

Number and year.	Title.	Extent to which the enactment is in force.
Reg. XX of 1825 .	A Regulation for declaring the jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto.	Sections two and four.
Act XL of 1858	An Act for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal.	The whole.
Act XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	The whole, the word "Panjáb" being substituted for the words "North-Western Provinces"
	"Rules for the conservancy of Forests and Jungles in the Hill Districts of the Panjáb Territories," sanctioned by the Governor General in Council, in letter of the Secretary to the Government of India, No. 1789, 21st May 1855	The whole

SCHEDULE II

Enactments repealed.

Title	Extent of repeal.
All Bengal Regulations now in force in the Panjáb, except those specified in schedule I.	The whole.
All rules, laws and regulations made for the Panjáb and its Dependencies or for any part thereof, by the Governor General of India, or the Governor General of India in Council or the Lieutenant Governor of the Panjáb otherwise than at meetings for making laws and regulations in conformity with the provisions of the Acts	The whole

SCHEDULE II.

Enactments repealed—(continued).

Number and year.	Title.	Extent of repeal.
	of the 3rd and 4th years of King William the fourth, Chapter eighty-five and of the 16th and 17th years of Her Majesty, Chapter ninety-five, or other Act in force for the time being, except those specified in schedule I.	
Act VI of 1846...	An Act for the more convenient administration of the government of the country called the Bhuttee Territory.	The whole
Act I of 1847 ..	An Act for the establishment and maintenance of Boundary-marks in the North-Western Provinces of Bengal.	The whole so far as it affects the Panjáb.
Act III of 1870 ..	An Act to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.	The whole, so far as it is unrepealed.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1872, and is hereby promulgated for general information :—

ACT No. V OF 1872.

An Act to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sind.

Preamble.

WHEREAS it is expedient to remove doubts which have arisen as to the jurisdiction of the High Court of Bombay over the Province of Sind; It is hereby enacted as follows :—

Bar of jurisdiction in Sind of Bombay High Court.

1. The High Court of Bombay has not, and shall be deemed never to have had, jurisdiction over the Province of Sind.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 30, 1872.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months :—

No. 6 of 1872.

A Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts.

Preamble.

WHEREAS it is expedient to consolidate and amend the law by which the admission of appeals to Her Majesty in Council from certain judgments and orders of the Civil Courts throughout British India is regulated; It is hereby enacted as follows :—

Short title.

1. This Act shall be called "The Privy Councils Appeals Act, 1872 :"

Extent.

It extends to the whole of British India, but shall not apply to suits tried by a High Court in any of the Presidency Towns in the exercise of its ordinary original jurisdiction;

Commencement.

and shall come into force on the passing thereof.

Repeal of enactments.

2. The several enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

Admission of appeals to Her Majesty in Council.

3. If any person desires to prefer an appeal to Her Majesty in Council from any final judgment, decree, or order made on appeal or revision by any High Court or other Court of final appellate jurisdiction in India under the law for the time being in force relating to appeals,

or from any final judgment, decree, or order made by a High Court in the exercise of its original jurisdiction, in any suit in which the amount or value of the subject-matter in dispute exceeds ten thousand rupees, or such amount as may be fixed as the limit for such appeals from time to time by the orders of Her Majesty in Council,

or in which such judgment, decree, or order involves directly or indirectly any claim, demand, or question to or respecting property the amount or value of which is not less than ten thousand rupees, or such other amount as aforesaid,

or from any other final judgment, decree, or order made either on appeal or otherwise when the High Court declares that the case is a fit one for appeal to Her Majesty in Council,

and the application for the admission of the appeal is presented within six months from the date of the judgment, decree, or order appealed from,

the Court shall admit such appeal subject to such rules and orders as may be made from time to time by Her Majesty in Council in regard to the disposal of such appeals.

Notice to opposite party.

4. When the High Court or other Court as aforesaid has admitted any such appeal as is mentioned in the last preceding section, it shall forthwith cause notice of such appeal having been made to be given to the opposite party in the suit to which the appeal relates.

Court may direct enforcement of judgment appealed against or stay injunction pending result of appeal.

5. If application be made to that effect, the Court may either direct the judgment or order against which an appeal has been preferred to be enforced, sufficient security being taken for the performance of such decree or order as Her Majesty in Council may make on the appeal, or

it may direct, on like security being given, that no injunction for the enforcement of the judgment or order shall be issued pending the result of the appeal, or that if any such injunction has been issued, its execution shall, so far as may be practicable, be suspended.

Appellant to give security for costs.

6. In either case, the Court shall require the appellant to give security for the payment of such costs as it may think likely to be incurred by the appeal within such period, not exceeding six months from the date of the judgment or order appealed from, as to it may seem fit.

Appellant may petition for security from opposite party for staying execution.

7. Any person who desires to prefer an appeal to Her Majesty in either of the cases hereinbefore mentioned, may present a petition to the High Court or other Court as aforesaid for the purpose of obtaining security from the opposite party for staying execution of the judgment, decree or order against which he is about to appeal, within six months from the date of such judgment, decree or order.

Court may require further security when that first given is insufficient.

8. If at any time during the pendency of such appeal the security taken is from any cause shewn to be inadequate, the Court which has admitted such appeal may, on the application of the opposite party, require further security; and may, in default of such further security being given, if the original security was furnished by the appellant, enforce the judgment, decree or order against which an appeal has been made as if no such security had been given; if the original security was given by the respondent, the Court shall, so far as may be practicable, compel him to deliver the property to which the appeal relates, and such property shall be dealt with according to the rules in force applicable to such case.

Court to transmit to Queen in Council certified copies of all proceedings.

9. In every appeal under this Act, the Court shall certify and transmit to Her Majesty in Council under the seal of the Court two correct copies of all evidence, proceedings, judgments, decrees and orders taken, held or made in the suit or case appealed so far as the same are relevant to the matters of appeal, together with a copy of the reasons recorded by such Court for or against the judgment, decree or order against which the appeal has been preferred. The expense of preparing the said copies and of translating so much of the original documents as are not in that language, shall be defrayed by the party prosecuting the appeal; and the amount required to cover such expense shall be deposited by the appellant within the period allowed for furnishing security for the costs of the appeal;

Deposit of costs by appellant.

No appeal until deposit made.

Until such deposit is made, the appeal shall not be admitted.

Execution of decrees of Queen in Council.

10. The orders or decrees of Her Majesty in Council when duly certified shall be enforced and executed subject to the directions of the High Court or other Court as aforesaid, by the Judge by whom the suit was originally tried in the manner and according to the rules and laws applicable to the execution of original orders or decrees made by such Judge.

Petition for execution to Court which made decree appealed against.

11. Any person who desires to enforce or obtain the execution of any such decree or order made in appeal as aforesaid, shall present a petition to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed.

Appeal from order of such Court relating to enforcement of decree in appeal.

12. An appeal shall lie from any decree or order made by such last mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as hereinbefore mentioned, in the same manner and subject to the same rules as an appeal from a decree or order made upon a petition for the enforcement or execution of the decree or order first appealed from.

SCHEDULE.

ENACTMENTS REPEALED.

No. and year of enactment.	Title.	Extent of repeal.
Bengal Regulation XVI of 1797.	A Regulation respecting Appeals from the Court of Sudder Dewanny Adawlut to his Most Excellent Majesty and his Most Honourable Privy Council.	The whole.
„ V of 1803.	A Regulation for empowering the Sudder Dewanny Adawlut to try Appeals from the Decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company; and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein.	The whole.
Madras Regulation VIII of 1818.	A Regulation prescribing the Rules under which Appeals may be preferred to the King's Most Excellent Majesty in his Privy Council, from the Decisions of the Court of Sudder Adawlut at Fort Saint George.	The whole.
Bombay Regulation IV of 1827.	A Regulation prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same.	Section 100.
Act II of 1844.	An Act respecting the Expenses of preparing Copies of Proceedings in Appeals.	The whole.
Act XXV of 1852.	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	So much as is not repealed.
Act II of 1863	An Act to regulate the admission of Appeals to Her Majesty in Council from certain Judgments and Orders in Provinces not subject to the General Regulations.	The whole

STATEMENT OF OBJECTS AND REASONS.

The law relating to the admission and transmission of appeals from the judgments and orders of the Civil Courts in India to Her Majesty in Council is distributed over the following enactments, namely—

Bengal Regulation XVI of 1797 and Regulation V of 1803 ...	In force in the Regulation territories.
Madras Regulation VIII of 1818	
Bombay Regulation IV of 1827, Section 100	
Act II of 1844	
Act XXV of 1852 ...	
And Act II of 1863 ...	In force in the Non-Regulation Provinces.

The chief object of the Bill is to reduce into one Act the provisions of these several enactments, with such alterations of a purely verbal character or of arrangement as are incidental to the work of consolidation.

In consequence of the recent alteration of the law relating to appeals in Oudh—an alteration which is likely to be extended soon to British Burma—it has become necessary also to provide for the admission of appeals from the decrees and orders of Courts of final jurisdiction under the law for the time being in force relating to appeals, as the existing rules of procedure in respect of the admission of appeals to the Privy Council apply only to appeals from the decrees or orders of the Courts of highest civil jurisdiction.

F. R. COCKERELL.

The 8th March 1872.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[Second Publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in two months:—

No. 7 OF 1872.

A Bill to consolidate and amend the Law relating to the Redemption and Foreclosure of Mortgages.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the redemption and foreclosure of mortgages in the territories in which the Bengal Regulations are directly or indirectly in force; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Mortgage Procedure Act, 1872;"

Extent. Commencement.

It extends to the territories subject to the control of the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjáb, respectively, and to Oudh and the Central Provinces; and it shall come into force on the passing thereof.

Enactments repealed.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Mortgagor of landed property desiring to redeem it, may deposit amount of debt within year after due date.

3. Any person who has, by conditional sale or otherwise, mortgaged any landed property, and is desirous of redeeming the same, may deposit the amount due on account of principal and interest (if any) in respect of such mortgage in the chief Civil Court of the district in which the mortgaged land is situated, at any time within one year from the latest date fixed for the re-payment of the loan.

Notice of deposit to mortgagee.

The Court shall receive such deposit and cause a written notice of the same to be delivered to the mortgagee.

Effect of deposit.

The deposit so made shall be deemed to preserve to the mortgagor the right of redeeming his property, and if the land is in the possession of the mortgagee, the mortgagor shall be entitled to recover possession subject to such adjustment of accounts as may be required under the terms of the mortgage.

Mortgagee desiring foreclosure may bring suit.

4. When any person in whose favour a deed of mortgage and conditional sale of landed property has been executed is desirous of foreclosing the mortgage and rendering the sale absolute, he may, on or after the expiration of the period stipulated for the repayment of the consideration for which the mortgage was executed, institute a suit in any Court of competent jurisdiction for the foreclosure of the mortgage.

Condition to attach to decree for foreclosure.

5. If the Court makes a decree of foreclosure in such suit, the foreclosure shall be conditional on the non-payment by the mortgagor of such amount as the Court finds to be due by him to the mortgagee, within one year from the date on which the mortgagor received notice of the institution of the suit.

STATEMENT OF OBJECTS AND REASONS.

The procedure relating to the preservation of the right of redemption of mortgaged property and to foreclosure in force in the Bengal Presidency is prescribed by the Bengal Regulations I of 1798, XXXIV of 1803 and XVII of 1806.

The object of the proposed legislation is (*1st*) to consolidate the law by which this procedure is regulated; and, (*2nd*), to amend the procedure by assimilating it in a certain measure to the English law on this subject.

F. R. COCKERELL.

The 18th March 1872.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Report of a Select Committee, together with the Bill as settled by them was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th March 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to amend Act XII of 1870 (the Native Passenger Ships Act) was referred, have the honour to report that we have considered the Bill and the papers noted in the margin, and beg to recommend the following alterations :—

Petition from certain Muhammadans of Calcutta and its suburbs, dated 9th November 1870.
Memorial from certain ship-owners of Bombay.
Opinion of the Advocate General, Bengal, dated 12th November 1870.
Endorsement, Department of Agriculture, Revenue and Commerce, No. 34, dated 14th July 1871, forwarding telegrams from Home Department, Nos. 5095 and 5124, dated 23rd and 22nd November 1870.
From Officiating Secretary to Government, Home Department, No. 5615, dated 20th December 1870.
From Advocate General, Calcutta, dated 9th January 1871.
Circular from Home Department, Nos. 733 to 736, dated 7th January 1871.
From Acting Chief Secretary to Government, Madras, No. 113, dated 19th April 1871, and enclosures.
From Chief Secretary to Government, Bombay, No. 1541, dated 13th June 1871, and enclosure.
From Officiating Under Secretary to Government, Bengal, No. 612, dated 28th February 1871, and enclosures.
From Secretary to Chief Commissioner, British Burma, No. 540-6, dated 27th February 1871.
Note by Hon'ble F. S. Chapman, dated 5th December 1871.
From Secretary to Government, Madras, No. 177, dated 18th December 1871, and enclosures.
From Secretary to Government, Madras, No. 2, dated 5th January 1872.
From Secretary to Government, Bengal, No. 163, dated 13th January 1872, and enclosures.
Demi official letter from Hon'ble F. S. Chapman, dated 10th January 1872, forwarding Resolution of the Government of Bombay (General Department), No. 52, dated 15th January 1872, and enclosures.
From Secretary to Government, Bengal, No. 234, dated 18th January 1872, and enclosure.
From Acting Chief Secretary to Government, Bombay, No. 424, dated 26th January 1872, and enclosures.
Telegram from Chief Secretary to Government, Bombay, No. 425, dated 26th January 1872.
From Secretary to Government, Bombay, No. 771, dated 15th February 1872, forwarding letter from Chamber of Commerce, dated 7th February 1872.

2. We consider that the scope of chapter II of the Bill might, with advantage, be enlarged, so as to include—

1st, all sea-going vessels, without distinction, except ships-of-war or transports;

2nd, all sea-going vessels which may depart from any port or place in British India or in the dominions of Princes and States in India in alliance with Her Majesty to any port or place whatever, whether in the Red Sea or elsewhere, and whether owned by or commanded by Native Indian subjects of Her Majesty or by others.

3. We propose to alter the definition of "Native Passenger Ship" so as to mean vessels carrying more than sixty Native passengers, and to provide that servants in attendance on their masters are not to be counted as Native passengers. By this alteration, we consider we shall meet any objection which the Peninsular and Oriental, the British India and other large and well regulated Steam Navigation Companies might otherwise reasonably offer to being brought under the provisions of the Act.

4. We propose that the quantity of stored water shall not, even when the vessel is provided with a serviceable condenser, be less than at the rate of four gallons per head per week.

5. With a view to the case of ships owned by persons other than British subjects, we have provided that, when a Convention between the Indian and Turkish Governments has been entered into, to the effect that all Masters of Native Passenger Ships leaving a Turkish for an Indian port, shall execute a bond binding them to touch at Aden and get a clean bill of health from that place, the Master of any such vessel arriving without such clean bill of health, shall be liable forthwith to pay the full penalty of the bond.

6. We recommend that the Bill as thus amended be passed.

F. S. CHAPMAN.
J. F. STEPHEN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 5th March 1872.

A Bill to amend Act XII of 1870 (the Native Passenger Ships Act).

Preamble.

WHEREAS it is expedient to amend Act XII of 1870 (the Native Passenger Ships Act); It is hereby enacted as follows:—

Amendment of sec. 2, Act XII of 1870.

1. Instead of section two of the said Act, the following shall be read:

Extent of Act.

"2. This Act extends to British India and applies also to all subjects of Her Majesty within the dominions of Princes and States in alliance with Her Majesty, and to all Native Indian subjects of Her Majesty without and beyond British India.

Act not to apply to Ships-of-War, &c.

"Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State."

Amendment of sec. 4.

2. Instead of the last paragraph of section four of the said Act, the following shall be read:

"Native Passenger Ship."

"The words 'Native Passenger Ship' mean a vessel, whether sailing or steam, carrying more than sixty passengers, being natives of Asia or Africa; provided that no person in attendance upon another person other than a native of India, shall be deemed a passenger for the purposes of this section."

Addition to section 12.

3. After section twelve of the said Act, the following proviso shall be added:

"Provided that, in the case of Steam Ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between decks under the requirements of this section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board."

Addition to section 21.

4. After section twenty-one of the said Act, the following proviso shall be added:

"Provided also that, in the case of Steam Ships provided with a condenser, the officer authorised in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this section to an amount not less than four gallons to every week of the declared duration of the voyage, for every passenger on board."

Addition after section 26.

5. After section twenty-six of the said Act, the following shall be read:—

Penalty on Master of Turkish Ship bound from Turkish to Indian port entering latter without clean bill of health in breach of Convention.

26A. Whenever a Convention shall have been entered into between the Governor General of India in Council and the Turkish Government that every Master of a Native Passenger Ship leaving a Turkish port or place and bound for any port or place in British India, whether it be owned by a subject of Her Majesty or not, shall execute a bond binding him in a penalty to touch at Aden, and not to proceed thence without a clean bill of health obtained in the manner provided in section twenty-five, any Master of any such ship, whether he be a subject of Her Majesty or not, who shall come into any port or place in British India without such clean bill of health, may be taken by the officer in charge of such port or place before any Magistrate having local jurisdiction, and on proof that such Master has come from a Turkish port or place, such Magistrate shall presume that such bond was duly executed by such Master, and in default of production of such clean bill of health, shall presume that the penalty mentioned in such bond has been incurred, and may award the full amount or any part of such penalty against such Master, and, in default of payment of such penalty, may recover it as though it were a fine imposed under this Act.

Act to be read as part of Act XII of 1870.

6. This Act shall be read as part of Act XII of 1870.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons

Office Memorandum, Home Department, No. 316, dated 16th June 1868, forwarding Circular from Home Department, Nos. 307-316, dated 21st July 1865, with replies.
Endorsement, Home Department, No. 476, dated 21st November 1870, forwarding letter from President and Secretary, Bengal Christian Association, dated 20th October 1870, and enclosure.
Office Memorandum, Foreign Department, No. 636G, dated 8th April 1870, forwarding letter from Governor General's Agent, Rájputána, No. 309G, dated 19th March 1870, and enclosure.
Endorsement, Home Department, No. 5595P, dated 20th December 1871, forwarding letter from President and Sub-Committee of Bengal Christian Association, dated 25th November 1871.
From Reverend James Ross, dated 27th December 1871, forwarding memorial from Ministers of Religion, Calcutta.
" President, Bengal Christian Association, dated 11th January 1872.
" Chief Commissioner, Oudh, No. 238, dated 13th January 1872, and enclosures.

From Reverend C. E. Vines, Agra, dated 8th January 1872.
" " H. Stern, Gorakpúr, dated 18th January 1872.
" Secretary to Chief Commissioner, Central Provinces, No. $\frac{3}{4}$, dated 30th January 1872.
" Officiating Second Assistant Resident, Haidarábád, No. 3, dated 3rd February 1872.
" Reverend T. P. Hughes, Peshâwar, dated 2nd February 1872
" Secretary to Chief Commissioner, Mysore, No. $\frac{4}{2}$J, dated 9th February 1872, and enclosure
" Reverend C. B Leupolt, Benares, dated 13th February 1872.
" Secretary to Government, North-Western Provinces, No 661A, dated 1st March 1872, and enclosures.
" Secretary to Government, Bengal, No. 749, dated 29th February 1872, and enclosures.
" C Sanderson, Esq., dated 8th March 1872.
" Secretary to Government, Panjáb, No 785, dated 8th March 1872.
" Secretary to Govt, N. W Provinces, No. 896A, dated 18th March 1872.

professing the Christian Religion was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

2. To remove the ambiguity of the present law as to the circumstances under which a Clergyman of the Church of England is restrained from solemnizing marriages at any place other than a church, we have explained that the restriction applies to any place within five miles distance from a church

3. Under the existing law, any person wishing to have his or her marriage solemnized by a licensed Minister is required to reside for four days previous to giving notice of the intended marriage at the place where such notice is given. But although the law requires certain forms to be gone through with the object of giving the utmost possible publicity to any notice of an intended marriage, it suffers such marriage to take place immediately after notice has been given, if the parties to the marriage so desire. We think that an interval of four days between notice and marriage will be advantageously substituted for the four days enforced residence previous to notice, and we have amended the Bill accordingly.

4. We think that, with the alteration of procedure just stated, the fourteen days' delay between the notice and the issue of the Minister's certificate required by the present law where one of the parties to the intended marriage is a minor, may, in cases in which the consent of the person authorized to give consent to such marriage has been obtained, be dispensed with. It is proposed that this relaxation of the existing rule should extend only to cases in which the licensed Minister is satisfied that such consent has been given to the intended marriage.

5. Section 52 of the Bill, as introduced, provided that, when no marriage is registered during any month, a certificate to that effect shall be submitted. We think this involves unnecessary labour and propose that the practice of sending such certificates be discontinued.

6. We have altered section 54 of the Bill as introduced by restricting the proviso thereto so as to make the consent of parents or guardians (where there are any) essential to the validity of certificates for the marriage of Native Christians only when either of the parties to the marriage has not completed his or her eighteenth year; we think that the exception to this rule contemplated by the Bill as originally drawn would have been liable to abuse.

7. We have provided that the ordinary rules of procedure in regard to the registration of marriages shall not be applicable to marriages between Natives of this country. For the record of such marriages, it is proposed to keep distinct registers, and to subject the persons keeping the same to less onerous obligations in the matter of making returns. Some doubt has been experienced as to the intention of the provisions of the existing law on this subject, and it is thought desirable to draw a clear distinction between marriages the record of which is required for statistical purposes in England, and those in regard to which there is no such need.

8. The alteration of the law as regards the interval between notice and issue of certificate of marriage has been applied, in the amended Bill, also to marriages by Registrars, the extent of such interval being made the same in both cases. In the case of minors, no modification of the rule as to delay seems called for, as the law provides a means whereby the persons intending marriage may obtain the issue of certificate without waiting for the expiration of the fourteen days after notice has been given.

9. We have introduced into the amended Bill provisions against the practice of polygamy, under cover of a professed change of religious belief, by persons who have contracted a marriage of the kind provided for by this Bill.

10. We have made other verbal alterations and recommend that the Bill as amended by us be passed; but as some of the alterations of the existing law to be effected by this Bill are of an important character, we think that it should be republished for general information before this report is taken into consideration.

F. R. COCKERELL.
J. F. STEPHEN.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
J. R. BULLEN SMITH.

The 19th March 1872.

THE INDIAN CHRISTIAN MARRIAGE BILL, 1872.

ARRANGEMENT OF SECTIONS.

Preamble.

PRELIMINARY.

SECTIONS.

1. Short title.
   Extent.
   Commencement.
2. Enactments repealed.
3. Interpretation-clause.

PART I.

THE PERSONS BY WHOM MARRIAGE MAY BE SOLEMNIZED.

4. Marriage to be solemnized according to Act.
5. Persons by whom marriage may be solemnized.
6. Licenses to solemnize marriage by whom to be granted.
7. Appointment of Marriage Registrars.
   Appointment of Senior Marriage Registrar.
   When Magistrate to be Marriage Registrar.
8. Appointment of Marriage Registrar in allied Native States.
9. Licensing of persons to grant certificates of marriage between Native Christians.

PART II.

TIME AND PLACE AT WHICH MARRIAGE MAY BE SOLEMNIZED.

10. Time for solemnizing marriage.
    Exceptions.
11. Place for solemnizing marriage.
    Fee for special license.

PART III.

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THE ACT.

12. Notice of intended marriage.
13. Publication of such notice.
    Return or transfer of notice.
14. Notice of intended marriage in private dwelling.
15. Transmission of copy of notice to Marriage Registrar when one of the persons is a minor.
16. Procedure on receipt of notice.
17. Certificate of notice given and declaration made to be issued.
    Proviso.
18. Declaration to be made before issue of certificate.
19. Consent of parent or guardian necessary.
20. Power to prohibit by notice issue of certificate.
21. Procedure of Minister on receipt of such notice.
22. In case of minority, certificate not to issue until fourteen days after receipt of notice.

SECTIONS.

23. Proceedings before issue of certificate to Native Christians.
24. Form of certificate.
25. After issue of certificate, marriage may be solemnized.
26. Certificate void if marriage not solemnized within two months.

PART IV.

REGISTRATION OF MARRIAGES.

27. Marriages, with certain exceptions, to be registered as herein prescribed.
28. Registration of marriages solemnized by Clergymen of the Church of England.
29. Quarterly returns to Archdeaconry.
    Contents of returns.
30. Registration and returns of marriages solemnized by Clergymen of the Church of Rome.
31. Registration and returns of marriages solemnized by Clergymen of the Church of Scotland.
32. What marriages to be entered in register book and certificate prescribed in schedule IV.
33. Such entries to be signed and attested.
34. Certificate to be forwarded to Marriage Registrar, copied and transmitted to Government.
35. Copies of certificates to be entered and numbered.
36. Registrar to add number of entry to certificate, and send to Government.
37. Registration of marriages between Native Christians and custody and disposal of register book.

PART V.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

38. Notice of intended marriage before Marriage Registrar.
39. Notice how to be published in ordinary cases, and how in the case of minors.
40. Notice to be filed and copy entered in Marriage Notice Book.
41. Certificate of notice given and declaration made to be issued on request.
    If no impediment shown or issue not forbidden.
    After what interval certificate to issue.
42. Oath or declaration to be made before issue of certificate.
43. When parties may petition High Court to order certificate in less than fourteen days.
    Order on petition.
44. Provision as to consent of parent or guardian to apply and issue of certificate may be forbidden.
    Effect of protest.
45. Where person whose consent is necessary is insane, or unjustly withholds consent, parties may petition.
    Procedure on petition.
46. When Marriage Registrar refuses certificate, party may petition.
    Procedure on petition.

SECTIONS.

47. When Registrar in allied Native State refuses certificate, petition may be made to Governor General in Council.
48. If Registrar doubt authority of person forbidding, he may petition High Court or District Judge.
Contents of, and procedure on, petition.
Marriage Registrar in allied State, not satisfied of want of authority in person forbidding, may refer to Governor General.
Procedure on reference.
49. Liability of person protesting on frivolous grounds against issue of certificate.
50. Form of certificate.
51. After issue of certificate, marriage may be solemnized in presence of Marriage Registrar and two witnesses.
52. When marriage is not had within three months after notice, a new notice required.
53. Marriage Registrar may ask for particulars to be registered.
54. Registry of marriages.
55. Certificates to be transmitted monthly to Secretary to Government.
Custody and transmission of register-book.
56. Registrars in allied Native States to transmit certificates to Foreign Secretary.
57. In case of a Native Christian, Registrar to ascertain that notice and certificate are understood.
58. Native Christians to be made to understand declarations at marriage.
59. Registration of marriages between Native Christians.

PART VI.

MARRIAGE OF NATIVE CHRISTIANS.

60. On what conditions marriages of Native Christians may be certified.
61. On marriage (the conditions having been fulfilled) licensed person to grant certificate.
62. Register-book to be kept.
63. Search in Register-book to be allowed and copy of entry given.
64. Part VI not to apply to Roman Catholics.
Saving of certain marriages.

PART VII.

PENALTIES.

65. Punishments—
for false oath, declaration, notice, or certificate for procuring marriage;
66. for forbidding, by false personation, issue of certificate by Marriage Registrar;
67. for solemnizing marriage without due authority;
68. for solemnizing marriage out of proper time, or without witnesses;
excepting marriages solemnized under special licenses;
69. for solemnizing, without notice or within fourteen days after notice, marriage with minor.
70. for issuing certificate, or marrying, without publication of notice;
marrying after expiry of certificate;
solemnizing marriage with minor within fourteen days, without authority of Court, or without sending copy of notice;
issuing certificate against authorized prohibition.
71. for issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized forbiddal;
72. for unauthorizedly marrying according to usage of—
the Church of England;
or Church of Scotland;
or Church of Rome;
for issuing certificate or marrying without publishing notice,
or after expiry of certificate;
for issuing certificate for, or solemnizing marriage with minor, within fourteen days after notice;
for issuing certificate authorizedly forbidden;
for solemnizing marriage authorizedly forbidden;
73. for unlicensed person granting certificate pretending to be licensed;
74. for destroying or falsifying Register-books.
75. Limitation of prosecutions.

PART VIII.

MISCELLANEOUS.

76. Bar of right, by change of religion, to practise polygamy.
77. Punishment for marrying again during continuance of marriage under law forbidding polygamy.
78. What matters need not be proved in respect of marriage in accordance with Act.
79. Corrections of errors.
80. Searches to be allowed and copies of entries given on payment of fee.
81. Certified copy of entry in marriage register, &c., to be evidence of marriage without further proof.
82. Transmission of certificates of certain marriages to Secretary of State for India.
83. Local Government to prescribe fees.
84. Power to make rules.

SCHEDULE I.—Notice of marriage.

SCHEDULE II.—Certificate of receipt of notice.

SCHEDULE III.—Form of Register of Marriages.

SCHEDULE IV.—Marriage Register Book. Certificate of Marriage.

SCHEDULE V.—Enactments repealed.

A Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion; It is enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Christian Marriage Act, 1872:"

Extent.

It extends to the whole of British India, and, so far only as regards Christian British subjects of Her Majesty, to the territories of any Native Prince or State in alliance with Her Majesty;

Commencement.

and it shall come into operation on the passing thereof.

Enactments repealed.

2. The enactments specified in the fifth schedule hereunto annexed are repealed.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"Church of England." "Anglican."

"Church of England" and "Anglican" mean and apply to the Church of England as by the law established;

"Church of Scotland."

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome." "Roman Catholic."

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head;

"Church."

"Church" includes any chapel or other building generally used for public Christian worship;

"Minor."

"Minor" means a person who has not completed the age of twenty-one years;

"Native Christian."

"Native Christian" includes the Christian descendants of Natives of India converted to Christianity, as well as such converts.

PART I.

THE PERSONS BY WHOM MARRIAGE MAY BE SOLEMNIZED.

Marriage to be solemnized according to Act.

4. Every marriage between persons, one or both of whom professes or profess the Christian Religion, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions, shall be void.

Persons by whom marriage may be solemnized.

5. Marriages may be solemnized in India—

(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs of the church of which he is a Minister;

(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs of the Church of Scotland;

(3) by any Minister of Religion who, under the provisions of this Act, or any Act hereby repealed, has obtained a license to solemnize marriages;

(4) by, or in the presence of, a Marriage Registrar appointed under this Act or any Act hereby repealed;

(5) by any person who, with respect to marriages between Native Christians, shall have received a license to grant certificates of marriage.

Licenses to solemnize marriage by whom to be granted.

6. The Governor General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjáb, may grant licenses to Ministers of Religion to solemnize marriages within the territories under the immediate administration of such Governor General, or subject to such Governors and Lieutenant-Governors respectively, and may revoke such licenses.

Appointment of Marriage Registrars.

7. The Local Government may appoint one or more Marriage Registrars, either by name or as holding any office for the time being, for any portion of the Presidency or territory subject to its administration. But no person shall be a Marriage Registrar who does not profess the Christian Religion.

Appointment of Senior Marriage Registrar.

Where there are more than one Marriage Registrar in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar.

When Magistrate to be Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or in case of the death of the only Marriage Registrar in a district, or of any temporary vacancy in such office, the Magistrate of such district shall act as, and be, Marriage Registrar thereof during such absence, illness, or temporary vacancy as aforesaid.

Appointment of Marriage Registrar in allied Native States.

8. The Governor General of India in Council may appoint any person being a Christian, to be a Marriage Registrar in any district to be assigned by the Governor General of India in Council, in any place within the territories of any Native Prince or State in alliance with Her Majesty.

Licensing of persons to grant certificates of marriage between Native Christians.

9. The Local Government may issue a license to any person, being a Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians. Any such license may be revoked by the Local Government by whom it was granted, and every such grant or revocation shall be notified in the official Gazette.

PART II.

TIME AND PLACE AT WHICH MARRIAGE MAY BE SOLEMNIZED.

Time for solemnizing marriage.

10. Every marriage hereafter solemnized in India by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening:

Exceptions.

Provided that nothing in this section shall apply to—

(1).—A Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

(2).—A Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license.

Place for solemnizing marriage.

11. No Clergyman of the Church of England shall solemnize a marriage in any building or place other than a church, where there is a church within five miles distance from such building or place, unless he has received a special license authorizing him to do so under the hand and seal of the Bishop of the Diocese or from the Commissary of such Bishop.

Fee for special license.

For such special license, the Registrar of the Diocese shall be entitled to charge such additional fee as the said Bishop may sanction.

PART III.

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THE ACT.

Notice of intended marriage.

12. In all cases in which a marriage is intended to be solemnized by a Minister of Religion who has obtained a license to solemnize marriages under this Act, or any Act hereby repealed,—

one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage and shall state therein the name or names, and, the profession or condition, of each of the persons intending marriage, the dwelling place of each of them, and the time during which each has dwelt there, and the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons shall have dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

Publication of such notice.

13. If the Minister of Religion to whom such notice has been delivered be entitled to officiate in the church in which it is intended to solemnize the said marriage, he shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of such church.

Return or transfer of notice.

If such Minister of Religion is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person delivering the same to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be so published and affixed as aforesaid.

Notice of intended marriage in private dwelling.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section twelve, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

Transmission of copy of notice to Marriage Registrar when one of the persons is a minor.

15. When one of the persons intending marriage (not being a widow or widower) is a minor, every such Minister as aforesaid, who receives such notice, shall, unless within twenty-four hours after his receipt thereof he returns the same to the person from whom it was received under the provisions of section thirteen, send by the post or otherwise, a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

Procedure on receipt of notice.

16. The Marriage Registrar or Senior Marriage Registrar, on receiving any such notice, shall affix the same to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

Certificate of notice given and declaration made to be issued.

17. Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making such declaration as is hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made:

Provided that—

Proviso.

(1) no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister;

(2) no lawful impediment, according to the law of England, be shown to his satisfaction why such certificate should not issue, and

(3) the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned by any person authorized in that behalf.

Declaration to be made before issue of certificate.

18. The certificate mentioned in section seventeen shall not be issued until one of the persons intending marriage shall have appeared personally before the Minister and

made a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and, when either or both of the parties, not being a widower or widow, is or are a minor or minors, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is or are no person or persons resident in India having authority to give such consent, as the case may be.

Consent of parent or guardian necessary.

19. The father, if living, of any minor, not being a widower or widow, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

Power to prohibit by notice issue of certificate.

20. Every person whose consent to a marriage is required under section nineteen, is hereby authorized to prohibit the grant of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

Procedure of Minister on receipt of such notice.

21. If any such notice prohibiting the marriage be received by such Minister as aforesaid, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice is withdrawn by the person who gave it.

In case of minority, certificate not to issue until fourteen days after receipt of notice.

22. When either of the persons intending marriage is a minor and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by section nineteen has been obtained, such Minister shall not grant such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

Proceedings before issue of certificate to Native Christians.

23. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under section seventeen, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated such notice or certificate to such Native Christian into his language, or into some language which he understands.

Form of certificate.

24. The certificate to be issued by such Minister as aforesaid shall be in the form contained in the second schedule hereto annexed, or to the like effect.

After issue of certificate, marriage may be solemnized.

25. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses.

Certificate void if marriage not solemnized within two months.

26. Whenever a marriage is not solemnized within two months after the date of the certificate which has been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in the manner aforesaid.

PART IV.

REGISTRATION OF MARRIAGES.

Marriages, with certain exceptions, to be registered as herein prescribed.

27. All marriages hereafter solemnized in India between persons one or both of whom professes or profess the Christian Religion, except marriages solemnized under Parts V and VI of this Act, shall be registered in the manner hereinafter prescribed: Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Registration of marriages solemnized by Clergymen of the Church of England.

28. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in a register of marriages to be kept by him according to the form contained in the third schedule hereto annexed.

Quarterly returns to Archdeaconry.

29. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnized at or in any station or district at which he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such station or district is situated.

Contents of returns.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one copy to the Secretary to the Local Government.

Registration and returns of marriages solemnized by Clergymen of the Church of Rome.

30. Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or

Vicariate in which such marriage is solemnized, and such person shall forward quarterly to the Secretary to the Local Government returns of the entries of all marriages registered by him during the three months next preceding.

Registration and returns of marriages solemnized by Clergymen of the Church of Scotland.

31. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a register of marriages to be kept by him for the station or district in which the marriage is solemnized in the form prescribed in section twenty-eight for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to the Local Government, through the Senior Chaplain of the Church of Scotland, returns similar to those prescribed in section twenty-nine for Clergymen of the Church of England, of all marriages solemnized by him.

What marriages to be entered in register book and certificate prescribed in schedule IV.

32. Every marriage solemnized by any person authorized to solemnize marriages under clauses (1) and (3) of section five, other than the persons mentioned in sections twenty-eight and thirty, shall immediately, after the solemnization thereof, be registered in duplicate by the person solemnizing the same in a marriage register book to be kept by him for that purpose, according to the form contained in the fourth schedule hereto annexed, and also in a certificate attached to the marriage register book as a counterfoil.

Such entries to be signed and attested.

33. The entry of such marriage in both the certificate and marriage register book shall be signed by the person by whom the said marriage has been solemnized, and also by the persons married, and shall be attested by two credible witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

Certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.

34. The person solemnizing the said marriage shall forthwith separate the certificate from the marriage register book and send it within one month from the time of the solemnization of such marriage to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government.

Copies of certificates to be entered and numbered.

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

Registrar to add number of entry to certificate, and send to Government.

36. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, transmit the same to the Secretary to the Local Government.

Registration of marriages between Native Christians and custody and disposal of register book.

37. When any marriage between Native Christians is solemnized under Part I or III of this Act, the person solemnizing the same shall, instead of proceeding in the manner provided by sections twenty-eight to thirty-six, both inclusive, register such marriages in a separate register book, and shall keep safely the said register book until the same shall be filled, or, if he shall leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district, who shall keep safely the same, and shall make therein the entries by this Act required to be made in respect of any such marriage solemnized by him within the said district.

And the person having the control of the book at the time when it shall be filled, shall send the same to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government to be kept by him with the records of his office.

The provisions of sections sixty-two and sixty-three as to the form of the Register book, the deposit of extracts therefrom, and the granting searches and copies of the contents of such register, shall apply to the Register books kept under this section.

PART V.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

Notice of intended marriage before Marriage Registrar.

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties shall have dwelt, or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling place of each of them, and the time, during which each has dwelt therein, and the place in which the marriage is to be solemnized:

Provided that, if either party has dwelt in the place stated in the notice during more than one month, it may be stated therein that he or she hath dwelt there one month and upwards.

Notice how to be published in ordinary cases, and how in the case of minors.

39. Every Marriage Registrar shall, on receiving any such notice, publish the same, by causing a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by the post or otherwise, a copy of such notice to all the other Marriage Registrars (if any) in the same district, who shall likewise affix the same in some conspicuous place in their own offices as aforesaid.

Notice to be filed and copy entered in Marriage Notice Book.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices in a book to be for that purpose furnished to him by the Local Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Certificate of notice given and declaration made to be issued, on request.

41. The Marriage Registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, and one of the parties intending marriage having made oath or declaration as hereinafter required, shall issue under his hand a certificate of such notice having been given and of such oath or declaration having been made:

If no impediment shown or issue not forbidden:

Provided that no lawful impediment according to the law of England be shown to the satisfaction of the Marriage Registrar why such certificate should not issue, and the issue of such certificate has not been sooner forbidden, in manner hereinafter mentioned, by any person or persons authorized in that behalf by this Act:

After what interval certificate to issue.

Provided also that in no case shall the certificate be issued until the expiration of four days after the receipt of the notice, and further that where, by such oath or declaration, it appears that one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, the Marriage Registrar shall not issue his certificate until the expiration of fourteen days after the entry of such notice of marriage.

Oath or declaration to be made before issue of certificate.

42. The certificate mentioned in section forty-one shall not be issued by any Marriage Registrar, until one of the parties intending marriage shall appear personally before such Marriage Registrar, and shall make oath that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath hath, had their, his or her usual place of abode within the district of such Marriage Registrar, and where either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

When parties may petition High Court to order certificate in less than fourteen days.

43. When one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, and both parties intending marriage are at the time resident in any of the towns of Calcutta, Madras or Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, both parties intending marriage may apply by petition to the High Court of such town, or any Judge thereof, for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by section forty-one.

Order on petition.

And the said High Court, or any Judge thereof may, on sufficient cause being shown in its or his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any time to be mentioned in the said order, before the expiration of the said fourteen days required by section forty-one; and the said Marriage Registrar, on receipt of the said order, shall issue his certificate in accordance therewith.

Provision as to consent of parent or guardian to apply and issue of certificate may be forbidden.

44. The provisions of section nineteen shall apply to any marriage under this Part, either of the parties to which (not being a widower or widow) is a minor, and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden," opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized;

Effect of protest.

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the party who entered the same.

Where person whose consent is necessary is insane, or unjustly withholds consent, parties may petition.

45. If any person whose consent is necessary to any marriage under this Part is *non compos mentis*, or if any such person (other than the father) without just cause withholds his or her consent to the marriage, the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras and Bombay to the High Court, or if the person is not resident within any of the said towns, then to the Judge of the district within which such person is resident;

and the said Court or any Judge thereof or the said Judge of the district may examine the allegations of the petition in a summary way.

Procedure on petition.

If upon examination such marriage appears proper, such High Court or any Judge thereof or such Judge of the district shall declare the marriage to be a proper marriage, and such declaration shall be as good and effectual as if the person whose consent was needed had consented to the marriage; and if such person has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden by such person.

When Marriage Registrar refuses certificate, party may petition

46. Whenever a Marriage Registrar has refused to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay to the High Court, or if such district is not within any of the said towns, then to the Judge of the said district; and the said Court or any Judge thereof or the Judge of the district may examine the allegations of the petition in a summary way, and shall decide thereon. The decision of such Court or any Judge thereof, or of the District Judge shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

Procedure on petition.

When Registrar in allied Native State refuses certificate, petition may be made to Governor General in Council.

47. Whenever a Marriage Registrar resident in the territories of any Native Prince or State in alliance with Her Majesty, refuses to issue his certificate, either of the parties intending marriage may apply by petition to the Governor General of India in Council, who shall decide thereon; such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

If Registrar doubt authority of person forbidding, he may petition High Court or District Judge.

48. Whenever a Marriage Registrar, acting under the provisions of section forty-four, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay, to the High Court of Judicature in the Presidency or place within which such district is comprised, or, if such district be not within any of the said towns, then to the Judge of the district within which the same is comprised.

Contents of, and procedure on, petition.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said High Court, or any Judge thereof, or such Judge of the district, shall examine into the allegations of the petition and the circumstances of the case, and if, upon such examination, it shall appear that the person forbidding the issue of such certificate is not authorized by law so to do, such High Court or any Judge thereof, or such Judge of the district, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

Marriage Registrar in allied State not satisfied of want of authority in person forbidding, may refer to Governor General.

In all cases where a Marriage Registrar appointed under section eight, to act within the territories of any Native Prince or State in alliance with Her Majesty, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council; and, if it appears to the Governor General of India in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the Governor General of India in Council shall declare that the party forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

Procedure on reference.

Liability of person protesting on frivolous grounds against issue of certificate.

49. Every person entering a protest with the Marriage Registrar, under this Part against the issue of any certificate on grounds which such Marriage Registrar, under section forty-four, or the High Court or Judge thereof, or the District Judge, under section forty-five or forty-six, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages to be recovered by suit by the person against whose marriage such protest was entered.

Form of certificate.

50. The certificate to be issued by the Marriage Registrar under the provisions of section forty-one shall be in the form contained in the second schedule to this Act annexed, or to the like effect, and the Local Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

After issue of certificate, marriage may be solemnized in presence of Marriage Registrar and two witnesses.

51. After the issue of the certificate of the Marriage Registrar, or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between such parties, according to such form and ceremony as they think fit to adopt. But every such marriage shall be solemnized between the hours of six in the morning and seven in the evening, in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more witnesses,

and in some part of the ceremony each of the parties shall declare as follows or to the like effect—

"I do solemnly declare that I know not of any lawful impediment why I, *A. B.*, may not be joined in matrimony to *C. D.*"

And each of the parties shall say to the other as follows or to the like effect—"I call upon these persons here present to witness that I, *A. B.*, do take thee, *C. D.*, to be my lawful wedded wife [*or husband*]."

When marriage is not had within three months after notice, a new notice required.

52. Whenever a marriage is not had within three months after the notice has been entered by the Marriage Registrar, as required by section thirty-nine, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

Marriage Registrar may ask for particulars to be registered.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

Registry of marriages.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at the solemnization thereof shall forthwith register such marriage in duplicate, that is to say, in a Marriage Register Book, according to the form of the fourth schedule hereto annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil; and the entry of such marriage in both the certificate and the Marriage Register Book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not the marriage is solemnized by him, and also by the parties married, and attested by two witnesses.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

Certificates to be transmitted monthly to Secretary to Government.

55. The Marriage Registrar shall forthwith separate the certificate from the Marriage Register Book and transmit it, at the end of every month, to the Secretary to the Local Government.

Custody and transmission of Register Book.

The Marriage Registrar shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other officer as aforesaid, to be kept by him with the records of his office.

Registrars in allied Native States to transmit certificates to Foreign Secretary.

56. The Marriage Registrars in the territories of any Native Prince or State in alliance with Her Majesty, shall transmit the certificates mentioned in section fifty-seven to the Secretary for the Foreign Department of the Government of India.

In case of a Native Christian, Registrar to ascertain that notice and certificate are understood.

57. When any Native Christian about to be married applies for or tenders a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and, if he does not, the said Marriage Registrar shall translate such notice or certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognizant of the purport and effect of the said notice and certificate.

Native Christians to be made to understand declarations at marriage.

58. When any Native Christian is married under the provisions of this Part, the party solemnizing the said marriage shall ascertain whether such Native Christian understands the English language, and, if he does not, the party solemnizing the said marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, the declarations made at such marriage in accordance with the provisions of this Act.

Registration of marriages between Native Christians.

59. The registration of marriages between Native Christians under this Part shall be conducted in conformity to the rules laid down in section thirty-seven (so far as they are applicable), and not otherwise.

PART VI.

MARRIAGE OF NATIVE CHRISTIANS.

On what conditions marriages of Native Christians may be certified.

60. Every marriage between Native Christians applying for a certificate, shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

(2.) The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

(3.) Neither of the persons intending to be married shall have a wife or husband still living:

(4.) In the presence of the person licensed under section nine, and of at least two credible witnesses, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, *A. B.*, in the presence of Almighty God, and in the name of our Lord Jesus Christ,

do take thee, *C. D.*, to be my lawful wedded wife [*or husband*]," or words to the like effect:

(5.) Such declaration shall be made between the hours of six in the morning and seven in the evening:

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section nineteen has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

On marriage (the conditions having been fulfilled) licensed person to grant certificate.

61. When, in respect to any marriage falling under this Part, the conditions prescribed in section sixty have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration shall have been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of four annas, grant a certificate of such marriage. Such certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive evidence of the same marriage having been performed.

Register Book to be kept.

62. A Register Book of all marriages of which certificates are granted under section sixty-one, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the Local Government from time to time prescribes, and the said book or true extracts therefrom, duly authenticated, shall be deposited at such places and at such times as the Local Government directs.

Search in Register Book to be allowed and copy of entry given.

63. Every person licensed under this Act to grant certificates of marriage and keeping a Marriage Register Book under section sixty-two, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the fees prescribed by the Local Government under section eighty-three give a copy, certified under his hand, of any entry or entries in the same.

Part VI not to apply to Roman Catholics.
Saving of certain marriages.

64. This Part of this Act, except so much of sections sixty-two and sixty-three as are referred to in section thirty-seven, shall not apply to marriages between Roman Catholics. But nothing herein contained shall be construed to invalidate any marriage contracted between Roman Catholics under the provisions of Part V of Act No. XXV of 1864, previous to the repeal of that Act.

PART VII.

PENALTIES.

Punishments—
for false oath, declaration, notice or certificate for procuring marriage;

65. Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by this Act, for the purpose of procuring any marriage, shall be deemed guilty of the offence described in section one hundred and ninety-three of the Indian Penal Code.

for forbidding, by false personation, issue of certificate by Marriage Registrar;

66. Whoever forbids the issue by a Marriage Registrar of a certificate by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be deemed guilty of the offence described in section two hundred and five of the Indian Penal Code.

for solemnizing marriage without due authority;

67. Whoever, not being authorized under this Act to solemnize a marriage in the absence of a Marriage Registrar of the district in which such marriage is solemnized, knowingly solemnizes a marriage between persons one or both of whom professes or profess the Christian Religion, shall be punished with imprisonment which may extend to ten years, and shall also be liable to fine; or, in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years;

or, if the offender be an European or American, to penal servitude according to the provisions of Act No. XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts*).

for solemnizing marriage out of proper time, or without witnesses;

68. Whoever knowingly and wilfully solemnizes a marriage between persons one or both of whom professes or profess the Christian Religion at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

excepting marriages solemnized under special license;

The provisions of this section shall not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section ten.

for solemnizing, without notice or within fourteen days after notice, marriage with minor;

69. Any Minister of Religion licensed to solemnize marriages under this Act, who, without a notice in writing, or when one of the parties to the marriage, not being a widower or widow, is a minor, and the required consent of the parents or guardian to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

70. A Marriage Registrar under this Act, who commits any of the following offences;

for issuing certificate, or marrying, without publication of notice;

(1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing or affixing in some conspicuous place the notice of such marriage as directed by this Act;

marrying after expiry of certificate;

(2) after the expiration of two months after a certificate in respect of a marriage shall have been issued by him, solemnizes such marriage;

solemnizing marriage with minor within fourteen days, without authority of Court, or without sending copy of notice;

(3) without an order of a competent Court authorizing him to do so, solemnizes any marriage when one of the persons intending marriage (not being a widower or widow) is a minor before the expiration of fourteen days after the receipt of such notice, or without sending, by the post or otherwise, a copy of such notice of marriage to the Senior Marriage Registrar of the district (if there be more Marriage Registrars of the district than one), and, if he himself be not the Senior Marriage Registrar;

issuing certificate against authorized prohibition.

(4) issues any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof,

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

71. Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of three months after the notice has been entered by him as aforesaid, or knowingly and wilfully issuing, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, before the expiration of fourteen days after the entry of such notice or any certificate the issue of which has been forbidden as aforesaid by any person authorized to forbid such issue, shall be deemed to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

for issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized forbiddal;

for unauthorizedly marrying according to usage of—

the Church of England,

72. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage,

and not being a Clergyman of the Church of England, solemnizing a marriage after due publication of banns or under a license from the Anglican Bishop of the Diocese or a surrogate duly authorized in that behalf,

or Church of Scotland,

or, not being a Clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies, and customs of that church,

or Church of Rome;

or, not being a Clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies, and customs of that church,

for issuing certificate or marrying without publishing notice,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part III of this Act,

or after expiry of certificate;

or after the expiration of two months after the certificate shall have been issued by him;

for issuing certificate for, or solemnizing, marriage with minor, within fourteen days after notice;

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage, not being a widower or widow, is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district;

for issuing certificate authorizedly forbidden;

or knowingly and wilfully issues any certificate, the issue of which has been forbidden under this Act by any person authorized to forbid the issue;

for solemnizing marriage authorizedly forbidden.

or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same,

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

for unlicensed person granting certificate pretending to be licensed;

73. Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

for destroying or falsifying Register books.

74. Whoever wilfully destroys or injures, or causes to be destroyed or injured, any Register book or the counterfoil certificates threof, or any part thereof, or any authenticated extract therefrom,

or falsely makes or counterfeits any part of such Register book or counterfoil certificates,

or wilfully inserts, or causes to be inserted, any false entry in any such Register book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Limitation of prosecutions.

75. All prosecutions under this Act shall be commenced within the space of two years after the offence is committed.

PART VIII.

MISCELLANEOUS.

Bar of right, by change of religion, to practise polygamy.

76. No European British subject and no person domiciled in any country by the law of which polygamy is prohibited shall acquire a right to practise polygamy by any change in his religious belief.

Punishment for marrying again during continuance of marriage under law forbidding polygamy.

77. If any person who has contracted any such marriage as is provided for by this Act, or any other marriage which by the law to which he is subject would render any subsequent marriage during its continuance illegal, marries any other person during the continuance of such marriage, he shall, whatever religion he may profess at the time of such subsequent marriage, be deemed guilty of the offence described in section four hundred and ninety-four of the Indian Penal Code, and every such subsequent marriage shall be void.

What matters need not be proved in respect of marriage in accordance with Act.

78. Whenever any marriage has been solemnized in accordance with the provisions of sections four and five, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely.

(1).—Any statement made in regard to the dwelling of the persons married, or the consent of any person whose consent to such marriage is required by law :

(2).—The notice of the marriage :

(3).—The certificate or translation thereof:

(4).—The time at which the marriage may have been solemnized—

Corrections of errors.

79. Every person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof.

And, in case such certificate has been already transmitted to the Secretary to the Local Government, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

Searches to be allowed and copies of entries given on payment of fee.

80. Every person solemnizing a marriage under this Act, and hereby required to register the same, and every Marriage Registrar or Secretary to a Local Government having the custody for the time being of any register of marriages, or of any certificate or copies of certificate under this Act, shall, at all reasonable times, allow searches to be made of any marriage Register book, or of any certificate, or duplicate, or copies of certificate, in his custody, and shall give a copy under his hand of any entry in the same, on the payment of the fees prescribed by the Local Government under section eighty-three.

Certified copy of entry in marriage register, &c., to be evidence of marriage without further proof.

81. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate certificate, required to be kept or delivered under this Act, of any entry of a marriage in such register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate copy, or of any entry therein, respectively, or of such copy.

Transmission of certificates of certain marriages to Secretary of State for India.

82. The Secretary to the Local Government shall, at the end of every quarter in each year, select from the certificates of marriages forwarded to him during such quarter, the certificates of the marriages of which the Governor General of India in Council may desire that evidence shall be transmitted to England, and forward the same certificates signed by him to the Secretary of State for India for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages.

Local Government to prescribe fees.

83. The Local Government shall determine what fees shall be chargeable under this Act for

the receipt and publication of notices of marriages ;

the issue of certificates of marriage and the registration of marriages by Marriage Registrars ;

and for the entry of protests with, or prohibitions of, the issue of marriage certificates by the said Registrars ;

for searching Register books, or certificates, or duplicates, or copies thereof ;

and for the issue of copies of entries in the same under sections sixty-three and eighty ;

and may from time to time vary or remit such fees either generally or in special cases, as to it may seem fit.

Power to make rules.

84. The Local Government may make rules in regard to the disposal of the fees mentioned in section eighty-three, the supply of Register books, and the preparation and submission of returns of marriages solemnized under this Act.

SCHEDULE I.

NOTICE OF MARRIAGE.

To a Minister [*or* Registrar] of

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	16, *Clive Street.*	23 *days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	20, *Hastings' Street.*	*More than a month.*		

Witness my hand, this day of *seventy-two.*

(*Signed*) *JAMES SMITH.*

[The *Italics* in this schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

SCHEDULE II.

CERTIFICATE OF RECEIPT OF NOTICE.

I,

do hereby certify that, on the day of , notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of , one of the parties (that is to say) :—

Names.	Condition.	Rank or profession.	Age	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	16, *Clive Street.*	23 *days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	20, *Hastings' Street.*	*More than a month.*		

and that the declaration required by section seventeen or forty-one of "The Indian Christian Marriage Act, 1872," has been duly made by the said (*James Smith*).

Date of notice entered
Date of certificate given } The issue of this certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this day of *seventy-two.*

(*Signed*)

This certificate will be void unless the marriage is solemnized on or before the day of

[The *Italics* in the schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

SCHEDULE III.

FORM OF REGISTER OF MARRIAGES.

Quarterly Returns

of

MARRIAGES

for

The Archdeaconry of ... { *Calcutta.* / *Madras.* / *Bombay.* }

I, ——————, Registrar of the Archdeaconry of { *Calcutta,* / *Madras,* / *Bombay,* } do hereby certify that the annexed are correct copies of the Originals and Official Quarterly Returns of Marriage within the Archdeaconry of { *Calcutta,* / *Madras,* / *Bombay,* } as made and transmitted to me for the quarter commencing the day of ending the day of in the year of Our Lord

[*Signature of Registrar.*]

Registrar of the Archdeaconry of { *Calcutta.* / *Madras.* / *Bombay.* }

MARRIAGES solemnized at { *Allahabad,* / *Barrackpore,* / *Bareilly,* / *Calcutta, &c., &c.* }

When married.			Names of parties.										
Year	Month.	Day.	Christian.	Surname.	Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.	By banns or license.	Signatures of the parties.	Signatures of two or more witnesses present.	Signature by whom married.

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SCHEDULE IV

MARRIAGE REGISTER BOOK.

Number.	When married.			Names of Parties		Age.	Condition.	Rank or profession	Residence at the time of marriage.	Father's name and surname.
				Christian Name	Surname.					
	Day	Month.	Year							
1				*James*	*White* ...	26 *years* ...	*Widower* ...	*Carpenter* .	*Agra* ...	*William White.*
				Martha .	*Duncan* ..	17 *years* ..	*Spinster* ...	... ..	*Agra* ...	*John Duncan.*

Married in the

This marriage was solemnized between us { *James White,* / *Martha Duncan,* } in the presence of us { *John Smith,* / *John Green.* }

SCHEDULE IV,—*continued.*

CERTIFICATE OF MARRIAGE.

Number.	When married.			Names of parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and Surname.
				Christian Name.	Surname.					
	Day	Month.	Year							
1				*James* ...	*White* ..	26 *years*	*Widower* .	*Carpenter* ...	*Agra* ...	*William White.*
				Martha ..	*Duncan*	17 *years* ..	*Spinster* ...	.....	*Agra* ..	*John Duncan.*

Married in the

This marriage was solemnized between us { *James White,* / *Martha Duncan,* } in the presence of us { *John Smith,* / *John Green.* }

SCHEDULE V.

ENACTMENTS REPEALED.

Number and year.	Title.	Extent of Repeal.
Statute 58 Geo. 3, cap. 84.	An Act to remove doubts as to the validity of certain marriages had and solemnized within the British territories in India.	The whole.
Statute 14 & 15 Vic., cap. 40.	An Act for marriages in India... ...	The whole.
Act V of 1852 ...	An act for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty intituled "An Act for Marriages in India."	The whole.
Act V of 1865 ...	The Indian Marriage Act, 1865 ..	The whole.
Act XXII of 1866 ...	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the cantonments of Secunderabad, Trimungerry and Aurungabad.	The whole.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1872, and was referred to a Select Committee with instructions to make their report thereon in a week :—

No. 8 OF 1872.

A Bill to Amend Act XV of 1859.

Preamble.

WHEREAS, by Act XV of 1859, provision was made for the grant of certain privileges to the inventors of new manufactures; and whereas it is desirable that provision should be made for the grant of similar privileges to the inventors of new patterns and designs in British India; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Patterns and Designs Protection Act, 1872:"

Extent Commencement.

It extends to the whole of British India, and shall come into force on the passing thereof.

Addition to section I of Act XV of 1859.

2. At the end of section one of the said Act XV of 1859, the following shall be read :—

'New manufacture' defined.

"For the purposes of this Act, 'New manufacture' shall be deemed to include any new and original pattern or design, or the application of such pattern or design to any substance or article of manufacture."

3. At the end of section IV of the said Act, the following shall be read :—

"Provided that in the case of a pattern or design or the application thereof to any substance or article of manufacture, such privilege shall be granted for the term of three years and no more."

Addition to Act XV of 1859 after section XXXVII.

4. After section XXXVII of the said Act XV of 1859, the following shall be read :—

Persons invested by English law with rights as to patterns and designs to have same rights in British India.

"XXXVIIA. Whenever, by any law for the time being in force in the United Kingdom, any person is entitled in the United Kingdom to an exclusive right in any pattern or design or in the application of such pattern or design to any substance or article of manufacture, such person shall be entitled in British India to the sole and exclusive right in such pattern or design or in such application thereof, and shall be entitled in British India to the same civil remedies in respect of any infringement thereof in British India, as those to which he would be entitled in the United Kingdom."

Act to be read as part of Act XV of 1859.

5. This Act shall be read with and as part of the said Act XV of 1859.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is (*1st*) to provide that the privileges conferred by Act XV of 1859 on the inventors of new manufactures, may be extended to the inventors of new patterns and designs;

and, (*2ndly*), to provide for the enforcement in Indian Courts, of the rights of persons who have registered patterns and designs in the United Kingdom according to the English law, in the case of the infringement of those rights in British India.

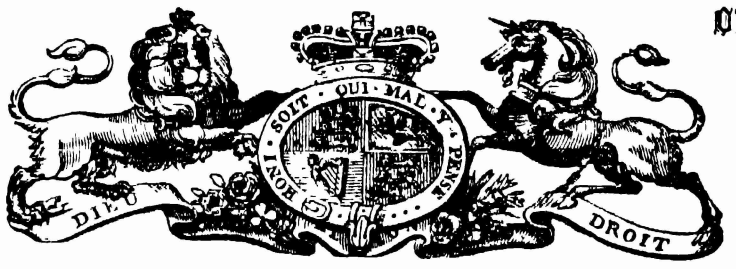
R. STEWART.

The 18*th March* 1872.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

No. 13 of 1872.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 30, 1872.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or ten Rupees eight annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Tuesday, the 12th March 1872.

PRESENT:

His Excellency the Viceroy and Governor General of India, K. T., *presiding*.
His Honour the Lieutenant Governor of Bengal.
His Excellency the Commander-in-Chief, G. C. B., G. C. S. I.
The Hon'ble John Strachey.
The Hon'ble J. Fitzjames Stephen, Q. C.
The Hon'ble B. H. Ellis.
Major General the Hon'ble H. W. Norman, C. B.
The Hon'ble J. F. D. Inglis.
The Hon'ble W. Robinson, C. S. I.
The Hon'ble F. S. Chapman.
The Hon'ble R. Stewart.
The Hon'ble J. R. Bullen Smith.
The Hon'ble F. R. Cockerell.

INDIAN CONTRACT BILL.

The Hon'ble MR. STEPHEN presented the Report of the Select Committee on the Bill to define and amend the Law relating to Contracts, sale of Moveables, Indemnity and Guarantee, Bailment, Agency and Partnership.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STEPHEN also presented the Report of the Select Committee on the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter.

INDIAN EVIDENCE BILL.

The Hon'ble MR. STEPHEN also moved that the Report of the Select Committee on the Bill to define and amend the Law of Evidence be taken into consideration. He said: "MY LORD—Just a year ago, in submitting the report of the Committee to the Council, I explained at very considerable length the general design and scope of the Bill which they proposed, and which is now before the Council for its final decision. I need not revert to what I then said upon the general principles of the subject. My best course, I think, will be to inform the Council of what has taken place in relation to the Bill since I last addressed them on the subject.

"After a very full and careful reconsideration of its various details, the Bill was published in the *Gazette* and forwarded to the Local Governments for opinion. It was carefully reconsidered in Committee, after the return of the Government to Calcutta. It was published in the *Gazette* upwards of a month ago, with a report giving an account of the various alterations which had been made in it; and it is now finally submitted for the consideration of the Council. The Committee has fully considered all the papers with which it was favoured; but with one or two exceptions, I cannot say that it has received any very considerable assistance from its critics. The Bengal Government made some important observations, and so did the Madras Government, which favoured us with two peculiarly valuable papers; one by the then Advocate General, Mr. Norton, and the other in the form of a letter by the Government itself, which had obviously been prepared with the advice and assistance of a very able professional lawyer. We have received no public expression of opinion from any one of the High Courts, except the High Court of Bombay, which approved generally of the Bill, but took exception to two of its provisions on minor points. The High Court of Calcutta announced its intention to say nothing at all on the matter. The High Courts of Madras and Allahabad have, as a fact, said nothing; and as the Bill has been before them for many months, I presume that they do not intend to do so. I have, however, the satisfaction of being able to say that most of the Barrister Judges of the High Courts, and three out of the four Chief Justices, have informed me that they approve generally of the Bill, and regard it as an important improvement on the existing state of things. The Local Governments, I think, are unanimous in regarding the measure as one which is much needed, and which is so far suited to its purpose as to be both intelligible to persons not legally trained, and complete in essential respects.

"Upon this point, I would specially refer to the valuable papers already referred to, which have been received from Madras. It is impossible, in reading them, not to see that their authors do not like the Bill. They find every fault they can with it, sometimes coming to very minute criticism. I do not in the least complain of this. I only wish the Bill had been criticised more fully in the same spirit, and I readily admit that the critics in question have pointed out many defects which have been, I think, removed. I am entitled to say that such other defects as may still be latent in it have escaped the detection of at least two highly competent, and by no means favourable critics, who have given the matter careful consideration. Upon some of these criticisms, I will make a few remarks as I go on. I refer to them now for the sake of showing the importance of the opinions which I am about to read.

"The letter of the Madras Government says—

'It is both advisable and possible so to codify the Law of Evidence as to present within the limits of a single enactment a treatise upon that law practically sufficient for ordinary purposes,'

and it then adds—

'The Draft Bill in its scheme and general arrangement appears to furnish an adequate outline of such a Code;'

but it is observed that the Bill 'in its present state is far from complete.'

"Mr. Norton expresses the same opinion at greater length, and each of those authorities agrees in the statement that the Bill is only a skeleton, which will have to be completed by a great number of judicial decisions.

"Mr. Norton criticises the Bill, section by section, and in order to show how fully he has done so, he observes—

'I have, however, compared it, section by section, with Taylor, Roscoe, Best, and other text-writers; with the Civil and Criminal Procedure Codes so far as they apply to the subject of evidence; with some of the existing Acts which regulate judicial evidence, and such judicial decisions as I have access to, illustrating the principles which at present are generally supposed by the Profession to obtain in the Courts of India.'

"He could hardly, I think, have submitted it to a more searching test. Further on, he observes—

'The process by which this Bill has been, in the main, built up, appears to me to have been by following Mr. Pitt Taylor's work on Evidence, and arbitrarily selecting certain sections or portions of sections.'

"He then criticises the Bill in detail, and concludes by saying—

'Such are the observations that have occurred to me in the most careful study I can give this Bill; and I think that, with some omissions, a little re-arrangement here and there, and considerable extension and enlargement, it promises to prove a great step in advance and improvement in the present uncodified law of evidence, and likely to afford very valuable aid and facilities to the Mofussil Judges, and all concerned in the practice of the law in the Mofussil.'

"The general result of these criticisms is, that the Bill is good as far as it goes, but is very incomplete, and is composed of scraps of *Taylor on Evidence*, 'arbitrarily,' and much too sparingly, selected. I think I owe to the Council and to the public some observations on this matter. I assert that they do the Bill an injustice; that it is very much more complete than its critics allow it to be; and that their own writings prove it. I will not do Mr. Norton the injustice of supposing that he has intentionally kept back anything of importance which has occurred to him on the Bill. I am therefore entitled to assume that his paper, which contains 103 paragraphs and extends over 14 folio pages, refers to all the defects and omissions which his careful study of the subject has brought to his notice. Passing over criticisms of detail, many of which are no doubt just and have been adopted, I find that the only sins of omission with which he charges the Bill are the following:—

"1.—Its provisions as to the effect of judgments are 'meagre.'

"2.—It does not deal fully enough with the subject of presumptions.

"He also suggests slight additions to, or enlargements upon, four sections of very subordinate importance, which I will not trouble the Council by referring to.

"The letter from the Madras Government, which describes the Bill as 'far from complete,' specifies no omission whatever, except in reference to the subject of presumptions, more of which, it affirms, should be included 'in a Code aiming at completeness.'

"The charge of incompleteness, then, comes to this, that the Bill does not deal fully enough with the two subjects of judgments and presumptions. I will refer to those points hereafter; but I will first, with your Lordship's permission, say a few words on the positive grounds on which I assert that the Bill does form a complete Code, and does deal with every subject which has been dealt with by English text-writers on evidence or by English legislation. This leads me, in the first place, to notice the remark that it consists of bits of *Taylor on Evidence* 'arbitrarily' chosen. There is a certain amount of truth in this charge, about as much truth, and truth of the same kind, as there would be in saying that the speech which I am now making is composed of words arbitrarily chosen out of the dictionary. I could hardly mention any English law-book in common use, which is, or even pretends to be, much more than a large index, made up of extracts from cases strung together with little regard to any other than a very superficial perfunctory arrangement of the subject-matter. There is always some one book which is in possession of the field at a given moment, because it is more complete than its rivals, and has the latest cases and Statutes entered up in it. This position at present is occupied by Mr. Taylor's book, as it was occupied before his time by Gilbert, Phillips, Starkie and others; and as analogous positions are occupied, in relation to other subjects, by *Russell on Crimes*, *Bullen on Pleading* and

other works known to all lawyers. To say, however, that the Bill now before the Council consists of bits taken from Taylor, and especially of bits taken 'arbitrarily,' is altogether incorrect. In the first place, the arrangement of the Bill, and the general conception of the subject on which that arrangement is based, are altogether unlike anything in Taylor or in any other text-book on the subject with which I am acquainted. Nowhere in Taylor, nor in Mr. Norton's own book on the subject, will be found any recognition of the distinction between the relevancy of facts and the proof of facts, or any, even the faintest, perception of the extreme ambiguity and uncertainty which, as I showed in the observations which I addressed to the Council a year ago, have been thrown over the whole subject by the absence of anything like an attempt to define with precision the fundamental terms of the subject, and especially the words 'fact' and 'evidence.' As to the notion that bits of Taylor have been 'arbitrarily' put together in the Bill, I will only say that, at a proper time and place, I would undertake to assign the reason why every section stands where it does. Upon the question of completeness, however, I will make this remark: I assert that every principle applicable to the circumstances of British India which is contained in the 1,598 royal octavo pages of *Taylor on Evidence*, is contained in the 167 sections of this Bill; I also assert that the Bill has been carefully compared, section by section, with the last edition of Mr. Norton's work upon evidence, and that it disposes fully of every subject of which Mr. Norton treats.

"As to the specific instances of incompleteness which are alleged against the Bill, two only are of any importance, and upon each of them I will say a few words.

"The first is, that the Chapter on Judgments is meagre. My answer is, that it may appear meagre to those who take their notions of the Law of Evidence from works like Mr. Taylor's; but that it contains everything which properly belongs to the subject. Its utter absence of arrangement and classification on every subject is the great reproach of the law of England, and one of the strongest instances of it is to be found in the way in which provisions of an essentially different character are frequently comprised under the same head. I might give many illustrations of this; but the Law of Evidence, I think, supplies more glaring illustrations than any other department of law. Many English writers have treated the subject in such a manner as to make it comprise the whole body of the law. Thus, for instance, *Starkie's Law of Evidence* deals with the whole range of the criminal law and of actions for contracts and wrongs. His book contains, not merely rules about hearsay and secondary evidence and the like, but a specification of the sort of facts which it is permissible to prove on a charge of murder, or in an action for libel, in order to show malice, or under the plea of not guilty in such an action. It is obvious that the Law of Evidence thus conceived would include nearly the whole of the substantive law, and it follows, I think, that it is of great importance to draw the line distinctly between what properly belongs to the subject and what does not. It is for this reason that the sections about judgments are drawn in their present form, and that certain topics connected with judgments, which are often dealt with by writers on evidence, are omitted from the Bill. The subject is very technical; but I will endeavour to explain it in a few words.

"The second section of the Code of Civil Procedure enacts that—

'The Civil Courts shall not take cognizance of any suit brought on a cause of action which shall have been heard and determined by a Court of competent jurisdiction in a former suit between the same parties, or between parties under whom they claim.'

"The Code of Criminal Procedure enacts that a man shall not be tried again after he has once been acquitted or convicted. It is a matter of great difficulty and intricacy to describe the precise effect of these provisions, and to show how they apply to a variety of cases which may arise. Mr. Broughton's edition of the Code of Civil Procedure contains ten large pages, in very small print, of notes of the cases which have been decided on the second section of the Code of Civil Procedure, and a certain number of decisions have been given on the corresponding sections of the Code of Criminal Procedure; and it is because

this Bill does not codify those decisions that it is described as meagre. My answer to the criticism is, that the authors of the two Codes in question were quite right in considering the matter as essentially a matter of procedure. It no more belongs to the Law of Evidence than a thousand other questions which are sometimes connected with it. There are, for instance, cases in which insanity excuses an act which, but for its existence, would be a crime. If a man defends himself on the ground of insanity, he must give evidence of it, just as he must prove the existence of a judgment barring his antagonist's right to sue if he relies on the right's being so barred; but it appears to me that it would be as reasonable to treat the question of the effect of insanity on responsibility as a part of the Law of Evidence, because, in particular cases, it may be necessary to give evidence of insanity, as to treat the law as to the effect of a previous judgment on a right to sue as part of the Law of Evidence, because, in certain cases, it may be necessary to give evidence of the existence of a previous judgment.

"The only questions connected with judgments, which do appear to me to form part of the Law of Evidence properly so called, are dealt with in sections 40—44 of the Bill. These sections provide for the cases in which the fact that a Court has decided as to a given matter of fact relevant to the issue may be proved for the purpose of showing that that fact exists.' This, no doubt, is a branch of the Law of Evidence, and the provisions referred to dispose of it fully.

"As to the subject of Presumptions, my answer to the critics of the Bill is partly to the same effect, though their criticisms were perhaps better founded. I must admit that the Bill as introduced dealt less fully with this subject than was thought desirable on further consideration, and some additions to it have accordingly been introduced, though the general principle on which the matter was dealt with is maintained. The subject of presumptions is one of some degree of general interest. It was a favourite enterprise on the part of continental lawyers to try to frame systems as to the effect of presumptions which would spare Judges the trouble of judging of facts for themselves by the light of their own experience and common sense. A presumption was an artificial rule as to the value and import of a particular proved fact. These presumptions were almost infinite in number and were arranged in a variety of ways. There were rebuttable presumptions, and presumptions which were irrebuttable. *Præsumptiones juris et de jure*, *Præsumptiones juris*, and *Præsumptiones facti*. There were also an infinite variety of rules for weighing evidence; so much in the way of presumption and so much evidence was full proof, a little less was half-full, and so on. Scraps of this theory have found their way into English law, where they produce a very incongruous and unfortunate effect, and give rise to a good deal of needless intricacy. Another use to which presumptions have been put is that of engrafting upon the Law of Evidence many subjects which in no way belong to it. For instance, there is said to be a conclusive presumption that every one knows the law, and this is regarded as necessary in order to vindicate the further proposition that no one is to be punished for breaking a law of which he was ignorant. To my mind this is simply expressing one truth in the shape of two falsehoods. The plain doctrine, that ignorance of the law is no excuse for breaking it, dispenses with the presumption, and hands the subject over, from the Law of Evidence with which it is accidentally connected, to criminal law to which it properly belongs.

"I will not weary the Council by going into all the details of the subject, though I could with perfect ease, if it would not take too long, answer specifically the remark of the Madras Government on this matter. That Government says—

'Sections 102-4 contain three instances of presumptions, selected from a chapter of the Law of Evidence which in Taylor fills 111 sections. It is difficult to see why any should be inserted when so few are chosen.'

"In general terms the answer is this; large parts of Mr. Taylor's chapter relate to topics which have nothing to do with the Law of Evidence. Those which are of practical importance are all included in the Bill as it stands (a few were no doubt omitted in the first draft), and they fall under these heads:—1*st*.—There

are a few cases in which it is expedient to provide that one fact shall be conclusive proof of another, for various obvious reasons—the inference of legitimacy from marriage is a good instance. *2ndly.*—There are several cases in which Courts would be at a loss as to the course which they ought to take under certain circumstances without a distinct rule of guidance. After what length of absence unaccounted for, for instance, may it be presumed that a man is dead? The rule is that seven years is sufficient for the purpose. Obviously, six or eight would do equally well; but it is also obvious that, to have a distinct rule is a great convenience. All cases of this kind fall properly under the head of the Burden of Proof, and I think it will be found that the provisions contained in chapter VII of the Bill provide for all of them. A new section (114) has been added to this chapter which deserves special notice. Its substance was, I think, implied in the original draft of the Bill; but it has been inserted in order to put the matter beyond all possibility of doubt. It is in the following words—

'114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

(*a.*) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;

(*b.*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars;

(*c.*) That a bill of exchange, accepted or endorsed, was accepted or endorsed for good consideration;

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;

(*e.*) That judicial and official acts have been regularly performed;

(*f.*) That the common course of business has been followed in particular cases;

(*g.*) That evidence which could be, and is not, produced, would, if produced, be unfavourable to the person who withholds it;

(*h*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business:

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (*f.*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.'

"The effect of this provision, coupled with the general repealing clause at the beginning of the Bill, is to make it perfectly clear that Courts of justice are to use their own common sense and experience in judging of the effect of particular facts, and that they are to be subject to no technical rules whatever on the subject. The illustrations given are, for the most part, cases of what in English law are called presumptions of law; artificial rules as to the effect of evidence by which the Court is bound to guide its decision, subject, however, to certain limitations which it is difficult either to understand or to apply, but which will be swept away by the section in question. I am not quite sure whether, in strictness of speech, the rule that an accomplice is unworthy of credit, unless he is confirmed, can be called a presumption of law, though, according to a very elaborate judgment of Sir Barnes Peacock's, it has, at all events, some of the most important characteristics of such a presumption. Be this how it may, the indefinite position in which it stands has been the cause of endless perplexity and frequent failures of justice. On the one hand, it is clear law that a conviction is not illegal because it proceeds on the uncorroborated evidence of an accomplice; on the other hand, it seems to be also law that, in cases tried by a jury, the Judge is bound by law to tell them that they ought not to convict on such evidence, though they can if they choose. How a Sessions Judge (sitting without a jury) is to give himself a direction to that effect, and how a High Court is to deal with a case in which he has convicted, although he told himself that he ought not to convict, I do not quite understand. At all events, it seems to me quite clear that he ought to be at liberty to use his discretion on the subject. Of course, the fact that a man is an accomplice forms a strong objection, in most cases, to his evidence; but every one, I think, must have met with instances in which it is practically impossible to doubt the truth of such evidence, although it may not be corroborated, or although the evidence by which it is corroborated is itself suspicious.

"As I have already observed, I do not wish to trouble the Council with technicalities; but I hope this explanation will show that this part of the Bill, at all events, is not incomplete.

"I may observe that many topics closely connected with the subject of evidence are incapable of being satisfactorily dealt with by express law. It would be easy to dilate upon the theory on which the whole subject rests, and the manner in which an Act of this kind should be used in practice. I think, however, that it would not be proper to do so on the present occasion. I have therefore put into writing what I have to say on these subjects, and I propose to publish what I have written, by way of a commentary upon, or introduction to, the Act itself. I hope that this may be of some use to the Civil Servants who are preparing for their Indian career, and to the law students in Indian Universities. The subject is one which reaches far beyond law; for the law of evidence is nothing unless it is founded upon a rational conception of the manner in which truth as to all matters of fact whatever ought to be investigated.

"I now turn to a criticism made on the Bill by His Honour the Lieutenant-Governor of Bengal, who appears to be somewhat dissatisfied with the manner in which the Bill deals with the question of relevancy, which, as he says, is a question of degree.

'The Lieutenant-Governor has no doubt that the law, clearing up the obscurity now prevailing as to rules of evidence, protecting our courts from the intrusion of a foreign law of evidence in no way applicable, and rendering the Judges in some degree masters in their own courts, will be highly beneficial. His principal doubt is, whether it is possible to define by law what evidence is relevant and what is not. He is inclined to think that relevancy is a question of degree; that the relevant shades off into the irrelevant by imperceptible degrees. It may be that it is easier to decide, in each case, what is substantially material to

the issue, or so remote in its relevancy that the time of the court should not be occupied, than to lay down by rule of law what is to be considered relevant and what not. Such rules must necessarily be somewhat refined, and, as it were, metaphysical. If it were allowed to argue the question whether any piece of evidence is, or is not, admissible under such rules, the Lieutenant-Governor would fear that the court might be lost in disputations. If, however, the rules regarding relevancy be treated as merely an authoritative treatise on evidence for the guidance of Judges, which they are to study and follow as well as they can, but that they are not bound to hear objections and arguments based upon it, the Lieutenant-Governor has no doubt that the rules in the draft are admirably suited to the purpose, and would be extremely useful. It does not seem to him very clear in the draft whether or no Counsel are to be entitled to take objection to evidence at every turn, and to argue the question as to whether it is or is not admissible under the evidence rules. It seems of great importance that this should be made clear; for if Counsel may object and argue, the Lieutenant-Governor certainly has great fear that the argumentations regarding relevancy will be endless.'

"I cannot altogether agree with these remarks. As to the arguments of Counsel, I do not feel that horror of them which His Honour appears to feel. It is, I think, abundantly clear that Counsel will be permitted to argue as to the relevancy of evidence, and as to the propriety of proof, and I do not see how a law can be laid down at all upon which Counsel are never to argue. No one, I think, will seriously assert that lawyers, as a class, are an impediment to the administration of justice, or otherwise than an all-but-indispensable assistance to it; but if they are to exist at all, they must argue as well on evidence as on other subjects. I must, however, observe that every precaution has been taken to prevent useless and trifling argument. In the first place, if the Judge wishes to know about any fact the relevancy of which is under debate, he can cut the matter short by asking about it himself under section 165. In the second place, the mere admission or rejection of improper evidence is not to be a ground for a new trial or the reversal of a decision. The fact that the opposite is the rule in England is the great cause of the enormous intricacy and technicality of English law on this point. If, in the Tichborne case, one single question had been permitted after being objected to, and if the Court had afterwards been of opinion that it had been wrongly permitted, then, however trifling the matter might have been, the party whose objection had been wrongly over-ruled would have been by law entitled to a new trial, and the whole enormous expense of the first trial would have been thrown away. This never was the law in India, nor will it be so now. The result is, that the provisions about relevancy will be useful principally as guides to the Judges and the parties, and, in particular, as rules which will enable the Judge to shut out masses of irrelevant matter which the parties are very likely to wish to introduce. As to the more general question, I think that it is possible to give the true theory of the relevancy of facts, and if I thought it desirable to enter upon a very abstract matter in this place, I think I could show what this theory is, and how this Bill is founded upon it. Be this, however, as it may, and taking a view, not indeed less practical, but more immediately and obviously practical, I would make the following observations:—I am quite aware that relevancy is, as His Honour observes, a matter of degree, and for that reason the Bill gives definitions of it so wide and various, that I think they will be found to include every sort of fact which has any distinct assignable connection with any matter in issue. The sections which define relevancy are, indeed, enabling sections. Any fact which fulfils any one of the many conditions which they declare to constitute relevancy will be relevant, and most facts which have any real connection with the matter to be proved would fulfil several of them. Take, for instance, this fact—A man is charged with theft, and it is proved that he was seen running away immediately after the theft with the stolen goods in his hand. This is (1) a fact so connected with a fact in issue as to form part of the same transaction, and is therefore relevant under section 6; (2) it is the effect of a fact in issue, and is therefore relevant under section 7; (3) it is the conduct of a party to the proceeding subsequent to a fact in issue, and is so relevant under section 8; (4) it is a fact which in itself renders a fact in issue highly probable, and is therefore relevant under section 11.

This fact, therefore, is relevant under no less than four sections, each of which would admit a great number of facts which would not be admitted by the other sections. Indeed, the latitude of the definition of relevancy will be best appreciated by negativing the conditions which the Act imposes. Suppose that you are able to assert of a fact that it is neither itself in issue, nor forms part of the same transaction, nor is its occasion, cause or effect, immediate or otherwise; that it shows no motive or preparation for it; that it is no part of the previous or subsequent conduct of any person connected with the matter in question; that it does not explain or introduce any fact which is so connected with the matter in question, or rebut or support any inference suggested thereby, or establish the identity of any person or thing connected with it, or fix the time of any event the time of which is important; that it is not inconsistent with any relevant fact or facts in issue; and that, neither by itself, nor in connection with other facts, does it make any such fact highly probable—if all these negatives can be affirmed, I think we may say, without much risk of error, that the one fact has nothing to do with the other, and may be regarded as irrelevant.

"I now come to a matter which has excited a good deal of discussion, though it relates to a subordinate and not very important part of the Bill—that which concerns the examination of witnesses by Counsel. The Bill as originally drawn provided, in substance, that no person should be asked a question which reflected on his character, as to matters irrelevant to the case before the Court, without written instructions; that if the Court considered the question improper, it might require the production of the instructions; and that the giving of such instructions should be an act of defamation, subject, of course, to the various rules about defamation laid down in the Penal Code. To ask such questions without instructions was to be a contempt of Court in the person asking them, but was not to be defamation.

"This proposal caused a great deal of criticism, and in particular produced memorials from the Bars of the three Presidencies. It was also objected to by most of the Local Governments to whom the Bill was referred for opinion. Some of the objections made to the proposal were, I thought, well founded. It was pointed out, in the first place, that the difficulty of obtaining the written instructions would be practically insuperable; in the next place, that the Native Bar throughout the country were already subject to forms of discipline which were practically sufficient; and, in the third place—and perhaps this was the most important argument of all—that, in this country, the administration of justice is carried on under so many difficulties, and is so frequently abused to purposes of the worst kind, that it is of the greatest importance that the characters of witnesses should be open to full inquiry. These reasons satisfied the Committee, and myself amongst the rest, that the sections proposed would be inexpedient, and others have accordingly been substituted for them which I think will in practice be found sufficient. The substituted sections are as follows:—

'146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend

(1) to test his veracity;

(2) to discover who he is and what is his position in life, or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose, or tend directly or indirectly to expose, him to a penalty or forfeiture.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the

witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations :—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witness's refusal to answer, the inference that the answer, if given, would be unfavourable.

149. No such question as is referred to in section 148 ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakíl that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant, on being questioned by the pleader, gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question

(*d.*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl, or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl, or attorney is subject in the exercise of his profession.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.'

"The object of these sections is to lay down, in the most distinct manner, the duty of Counsel of all grades in examining witnesses with a view to shaking their credit by damaging their character. I trust that this explicit statement of the principles according to which such questions ought or ought not to be asked, will be found sufficient to prevent the growth, in this country, of that which in England has on many occasions been a grave scandal. I think that the sections, as far as their substance is concerned, speak for themselves, and that they will be admitted to be sound by all honourable advocates and by the public. I cannot leave the subject without a few remarks on the memorials which the sections originally proposed have called forth from the Bar in various parts of the country. As none of the bodies in question have made any further remarks on the Bill, since it appeared in the Gazette in its amended form about a month ago, I suppose that the alterations made in the Bill have removed the main objections which they felt to it. I need not therefore notice those parts of their memorials which were directed against the consequences which they apprehended from the sections which have been given up. They contain, however, other matter which I feel compelled to notice. I need not refer to all the memorials. The one sent in by the Calcutta Bar was for the most part proper, though it contained passages which I think might as well have been omitted. The memorial of the Bombay Barristers contains similar passages, expressed more fully and less temperately, and I shall accordingly confine myself to noticing such of their remarks as appear to me to deserve notice.

"I may observe, in the first place, in general, that I have read in the newspapers and in these memorials much that can only mean that I individually was actuated in drawing this Bill by hostility to the Bar; indeed, the Bombay memorial says, in so many words, that remarks made by one member (meaning, I suppose, me) in Council 'appear to contemplate the extinction of the profession of Barrister-at-law in India.' In support of this surprising statement, they quote, as being 'open to no other construction,' the following words from the report of the Select Committee:—

'The English system, under which the Bench and Bar act together and play their respective parts independently, and the professional organization on which it rests, does not as yet exist in this country, and will not for a very long course of time be introduced.'

"Before I make the remarks which this suggests, let me ask your Lordship and the Council whether a charge that I, of all people, wish for the extinction of the profession of Barrister-at-law in India, is not upon the face of it absurd; I am myself a Barrister of eighteen years' standing, and a Queen's Counsel of four years' standing. I believe that there is no Barrister in British India of whom I should not be entitled to take precedence, professionally, if I chose to practise here; and so strong is my connection with my profession, that I am at this moment on the point of resigning one of the most responsible offices which a Barrister can hold, for the purpose of returning to the ordinary routine of professional practice. How is it possible to imagine that a man so situated should be hostile to the profession? When this Bill was introduced I was—as I still am—anxious to do whatever lies in my power to preserve the honour and dignity of my profession, and to prevent its good name from being disgraced. For this reason, I devised what I regarded as an appropriate remedy for a great and crying evil; one with which I have been much impressed by my own observation in England, and which is likely to extend in India as the habit of cross-examination becomes more general, and when the rights which a cross-examining advocate has are explicitly defined. The remedy, I will admit, was to some extent inappropriate; but for merely proposing it, for merely recognizing the existence of the evil against which it was directed, I am charged with wishing to extinguish my own profession.

"The real meaning of the expressions in the report (for which I am fully responsible) was, I think, so plain, that I cannot understand how the memorialists can have ascribed to them a sense which I think they could never suggest to any fair mind. The report said—

'The English system, under which the Bench and the Bar act together and play their respective parts independently, and the professional organization on which it rests, does not as yet exist in this country, and will not for a very long course of time be introduced.'

"'Yes,' say the memorialists, 'it does exist, to wit, in the Presidency towns.' This is much as if the water-works of Calcutta were referred to, to contradict a statement that India is wretchedly supplied with drinking water. I make a statement about an Empire as large as Europe without Russia, and am told that it is incorrect, because there are three English Courts, and three knots of, perhaps, a dozen or so English Barristers, to be found at towns which are in the nature of English settlements. The reason why the statement complained of was not qualified by excepting these towns and Courts was simply that the exception was not important enough to be stated. It would, indeed, have been matter of great indifference to me, personally, whether the Bill extended to the High Courts sitting on the original side or not. It is a mistake to make exceptions without a necessity for them; but the question, what rules of evidence should apply in the Presidency towns, is one of very little real importance. The great and vital importance of the matter lies in the effect which it will have on the administration of justice throughout the country at large. It is framed in order to meet the wants, and lighten the labours, of district officers, by giving them a short and clear view of a subject which has been converted into a sort of professional mystery, the knowledge of which was confined to a

knot of persons specially initiated in it. Now, as regards the Mofussil, I repeat the expressions complained of. I assert that they are absolutely true, and state a fact notorious to every one. I say that, throughout India generally, nothing like the English system under which the Bench and Bar act together and play their respective parts independently does now exist, or can for a length of time be expected to exist. Let me just re-call for a moment the nature of that system. In the first place, the Bench and the Bar in England form substantially one body. The Judges have all been Barristers, and the great prize to which the Barristers look forward is to become Judges. That is not the case in India, nor anything like it. The great mass of Indian Judges are not, and never have been, lawyers at all; the great mass of Indian lawyers have no chance or expectation of becoming Judges, and many of them have no wish to do so. Even in the Presidency towns, the whole organization of the profession differs from that of England in ways which I do not think it necessary to refer to, but which are of great importance. I may, however, observe that the position of an English Barrister who practises in the Mofussil, whether he is habitually resident in a presidency town or not, is altogether different from that of an English Barrister in his ordinary practice in England. An English Barrister on Circuit, and even at the Quarter Sessions, is subject to a whole series of professional restraints and professional rules, which do not, and cannot, apply to practice in the Mofussil in this country. He acts under the eyes of a public which takes great interest in his proceedings, and puts a powerful check upon them. He practises in important cases before Judges whom he feels and knows to be his professional superiors, and to whom he is accustomed to defer. No one of these remarks applies to a Barrister from a Presidency practising in the Mofussil. The result of this state of things must be matter of opinion. It is impossible to discuss the subject in detail. The Bombay and Calcutta memorialists consider it eminently satisfactory: let us hope they are right. My opinion, of course, is formed upon grounds which it is not very easy to assign, and, as it can be of little importance, I shall not express it. In any case this Bill can do no harm.

"Passing, however, from the case of English Barristers to the case of pleaders and vakíls, and the Courts before which they practise, I would appeal to every one who has experience of the subject, whether the observations referred to are not strictly true, and whether the main provision founded upon them—the provision which empowers the Court to ask what questions it pleases—is not essential to the administration of justice here. In saying that the Bench and the Bar in England play their respective parts independently, what I mean is that, in England, cases are fully prepared for trial before they come into Court, so that the Judge has nothing to do but to sit still and weigh the evidence produced before him. In India, in an enormous mass of cases, this neither is nor can be so. It is absolutely necessary that the Judge should not only hear what is put before him by others, but that he should ascertain by his own inquiries how the facts actually stand. In order to do this, it will frequently be necessary for him to go into matters which are not themselves relevant to the matter in issue, but may lead to something that is, and it is in order to arm Judges with express authority to do this that section 165, which has been so much objected to, has been framed.

"I have now referred to the main points in the Bill which have been attacked, and as I fully explained the principles on which it was founded more than a year ago, I have only to move that it may be taken into consideration."

The Motion was put and agreed to.

The Hon'ble Mr. Stephen then moved the following amendments:—

That, in section 8, instead of the second paragraph, the following be substituted:—

"The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding,

is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto."

That, in section 9, line 3, after the word "which," insert the words "support or."

That, in the explanation to section 57, instead of the words "the Parliaments of the United Kingdom of Great Britain, of England, of Scotland, and of Ireland," the following be substituted :—

"1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;
4. The Parliament of Scotland, and
5. The Parliament of Ireland."

That the words "or in any other case in which the Court thinks fit to dispense with it" be added to the proviso in section 66.

That the following new section be inserted after section 157 : —

"158. Whenever any statement, relevant under sections 32 or 33, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested."

And that the numbers of the subsequent sections be altered accordingly.

The Motion was put and agreed to.

His Honour THE LIEUTENANT-GOVERNOR would ask the permission of His Excellency the President to move an amendment of which he had not given notice. He would observe that the Council had had very short notice of this Bill being brought forward and passed to-day. The amendment which HIS HONOUR intended to propose was not of much importance: it was simply to lop off a dead branch of the Bill, namely, section 150.

The Hon'ble MR. STEPHEN said, that the section to which His Honour the Lieutenant-Governor referred was one of considerable importance, to which great weight was attached. He might say that the Council ought to have had notice of such an amendment. It was moreover a matter which would give rise to a great deal of discussion.

His Honour THE LIEUTENANT-GOVERNOR believed he was correct in saying that the Council had not had notice until yesterday or the day before that the Bill was to be brought forward. He would not have asked, at this stage, for leave to move a substantive amendment; his amendment was merely to lop off a dead branch.

His Excellency THE PRESIDENT thought that this was a question of great importance, and that notice should have been given of the intention to move the amendment.

His Honour THE LIEUTENANT-GOVERNOR said that, as His Excellency the President was of opinion that notice of the amendment should have been given, HIS HONOUR did not think that his amendment was of sufficient importance to delay the passing of the Bill.

The Hon'ble MR. COCKERELL felt very much inclined to support His Honour the Lieutenant-Governor in his attempt to have an amendment in the sense which His Honour had indicated brought forward, and thought that there were probably other members who were of the same opinion. The section which it was proposed to omit was a dead branch, which it would be very well to get rid of. MR. COCKERELL had proposed a similar amendment in Committee but had been overruled.

His Excellency THE PRESIDENT observed that there seemed to be a strong feeling in favour of the amendment; and although he was sorry that any further delay should occur to the inconvenience of business, he

thought that an adjournment of this Bill might, under the circumstances, be advisable.

The Hon'ble MR. STEPHEN said that, looking to the great pressure of business before the Council, he would much rather consent to the amendment being brought on at once, than that there should be an adjournment.

His Honour THE LIEUTENANT-GOVERNOR would express a strong opinion that his amendment was not of sufficient importance to call for an adjournment.

His Excellency THE PRESIDENT had not had an opportunity of considering the nature of the amendment which His Honour the Lieutenant-Governor wished to propose; but he would be happy to act according to the prevailing opinion of the Council. The Hon'ble Member in charge of the Bill had himself expressed a desire that the amendment should be brought on and settled to-day.

His Honour THE LIEUTENANT-GOVERNOR then moved the omission of section 150. He had already stated, in regard to the amendment, nearly all that he had to say, namely, that the section was really a dead branch, without any effect or practical meaning whatever. It would not be necessary for him, therefore, to detain the Council with many words upon the subject. It seemed to him that this section was the shadow of a real provision which had been struck out of the Bill, and which was past and gone. The Hon'ble Member in charge of the Bill had explained at considerable length, and in an extremely lucid manner, the circumstances under which a group of sections found place in the Bill, namely, sections 146 to 150. HIS HONOUR might say, broadly, that the effect of these sections, down to section 149, was to prescribe that certain questions affecting the character of witnesses might, under certain circumstances, be admitted, and that, under certain other circumstances, such questions ought not to be admitted. Well, as the Bill was originally drawn, it not only laid down what questions should be admitted and what questions should not be admitted, but another section prescribed penalties for the improper putting of such questions by advocates or other persons engaged in a case. After a great deal of discussion, he believed, these penal provisions were struck out of the Bill. The consequence was that advocates engaged in a case were subject, with regard to the putting or not putting of such questions, to no special penalties, but only to those rules which guided and governed an advocate's professional conduct in regard to these as to all other matters. Well, then, if it be, as he said, that this section provided no penalty at all, and provided no course of proceeding which the Court was not competent to take without it, it was in fact a fiction and a sham; a weak and defective compromise of a matter which had been disposed of. His Lordship and the Council were aware that, in this country, Courts of all descriptions, from the higher to the lower, were subject to the control of the highest Court: each was subject to the direct control of the Court under which it acted and by which it was supervised. No law was necessary to enable an inferior Court to report to the superior Court any matter affecting any advocate who held his license from that Court. It seemed to HIS HONOUR that this provision was much more in the nature of a section to enable a teacher to report a boy to his parents or to one who held a moral or legal control over him. The section was of no practical effect, but to some extent disfigured the Bill, as being a fictitious shadow of a reality which had passed away, and HIS HONOUR therefore proposed to omit it.

The Hon'ble MR. COCKERELL entirely agreed with what had fallen from His Honour the Lieutenant Governor, and, in his opinion, if any provision of this kind could properly find a place in a legal enactment, it should rather be in a Bill relating to pleaders, such as the Bill on that subject which was already before the Council. It seemed to him (MR. COCKERELL) entirely out of place in a Bill of this kind. He had always entertained this opinion and pressed it in Committee, and he thought His Honour had correctly described the clause referred to as a dead branch. But as it was one which could do no harm, MR.

COCKERELL had not thought it necessary to repeat his opinion on the subject and press his views upon the Council. As, however, the matter had been taken up, he was exceedingly glad to have this opportunity of expressing his full concurrence in the Lieutenant Governor's suggestion.

The Hon'ble MR. CHAPMAN could not help thinking that the provision which His Honour the Lieutenant Governor proposed to omit was not a dead branch, but a branch which had some vitality in it. If advocates practising in the Mofussil knew that their conduct would be liable to be reported to the High Court, and thus brought to the notice of the profession, he thought this knowledge might act as a salutary check against those who were likely to abuse the liberty of the Bar.

The Hon'ble MR. ROBINSON joined entirely in the view taken by his hon'ble friend Mr. Chapman. He thought that the provision of section 150 would act as a very wholesome check upon vakíls who practised in up-country Courts. They aspired to rise to the judicial service, and it was desirable that the High Court should know something of the character of the men practising in the Lower Courts, and more especially have their shortcomings brought before them. MR. ROBINSON thought that the provision which it was proposed to omit was a very good one, and he would therefore vote against the amendment.

Major General the Hon'ble H. W. NORMAN thought, on the whole, that the section should be retained; it might be the means of doing some good, and he thought it could not do any harm.

The amendment was then put and negatived.

The Hon'ble MR. STEPHEN then moved that the Bill as amended be passed. He would not trouble the Council with any further remarks.

His Honour the LIEUTENANT GOVERNOR said he would not like to let this motion pass without saying a few words; he had passed so long a portion of his life in dealing with evidence, that he hardly liked to say he was at the last moment compelled to take this Bill upon trust; but he might say that he had placed his trust in a quarter in which it could be very well placed. It was a Bill that, he believed, had received thorough consideration and thorough sifting in a most thorough and systematic manner. It was in the hands of a man who was so extremely free from antiquated prejudices and antiquated notions, that he hoped the Bill had been made as good as a Bill of this kind could be expected to be made in the hands of any man. HIS HONOUR had on a former occasion expressed his opinion against any law of evidence for this country. He had doubts whether any legal law of evidence, as distinguished from moral and metaphysical laws, was really a good thing. But at the same time he felt that things had taken that course, and the circumstances were now such that it was hopeless to avoid some law of evidence; and he hoped and believed that a law of evidence, freed from intricacies and technicalities, had this very great advantage to the Courts of the country, that it at least put them, in respect of the law, on an equal footing with the advocates practising before them. It enabled the Judge to say to the Advocate, "I am as good a man as you: if you raise a question of evidence, there is the law by which your question can be decided." It would put a stop to the practice, hitherto prevalent, of an Advocate shaking in the face of the Court a mysterious law of evidence, which was not to be found codified anywhere as substantive law, or otherwise, in any shape admitting of its being easily referred to by our Judges and judicial officers of all grades. HIS HONOUR could have wished that the Hon'ble Member in charge of the Bill had not found it necessary to tell the Council that the Bill was to a considerable extent based on *Taylor on Evidence;* because HIS HONOUR'S view was that it was not desirable to take any dictionary of English law as the basis of a law of evidence in this country. If he could find any ground for objecting to any part of the Bill, it was that, in some parts, it somewhat smelt of the English law of evidence; but he hoped that most of the sting of Taylor

had been taken out of him by the Hon'ble Member in charge of the Bill, and by the Committee, in the course of their manipulations of the Bill. HIS HONOUR was also in one respect glad to observe that the Bill had been reconsidered, and that the result of that consideration was that it had come out of the hands of the Select Committee very much reduced in point of the metaphysics which were somewhat conspicuous in the first draft. That being so, and the Act being, as the Hon'ble Member had explained, made large and wide, and constructed in such a manner as, by many meshes, to bring into its scope almost every possible fact, he might say that he looked upon the passing of this Bill as hopefully as he would look upon the passing of any law of evidence; that he hoped for the best, and should look to the great wideness of its provisions as a means of enabling the Courts to make the best of the law. For himself, in that view, he accepted it and thanked the Hon'ble Member for it.

The Hon'ble MR. STRACHEY expressed, in a few words, his feeling, in which he was sure the Council would agree, that India owed to his hon'ble and learned friend a great debt of gratitude for this Bill, which was now about to be passed. MR. STRACHEY was confident that his hon'ble and learned friend had by this Bill conferred upon the country an important benefit, of which they would see the result hereafter in a really great improvement in the administration of justice in India. The Council had to thank Mr. Stephen for a very great deal of admirable work; and MR. STRACHEY was sure that his name would long be remembered in India through this work in particular, which was now about to be completed.

The Motion was put and agreed to.

PANJÁB MUNICIPALITIES ACT AMENDMENT BILL.

The Hon'ble MR. COCKERELL presented the Report of the Select Committee on the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities).

The Council adjourned to Tuesday, the 19th March 1872.

CALCUTTA;
The 12th March 1872.

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

REVENUE REPORT OF THE IRRIGATION DEPARTMENT OF THE PUNJAB FOR 1869-70.

Nos. 227—13 I., dated 20th March 1872.

OBSERVATIONS.—By the Government of India, P. W. DEPT.

Read—

Letter from Government of the Punjab, No 4976 I of 9th November 1871, and enclosures

OBSERVATIONS.—The financial results of the year 1869-70 on the permanent canals were not so favourable as those of the previous year, but, owing to the larger supply brought down the several rivers, the returns from the Inundation Canals were above the average. The fall of rain, though double that of 1868-69, was still below the average. As in the North-Western Provinces, so in the Punjab, a deficiency of rain in the early part of the khurreef season led to a large increased area being irrigated at that time, and to a diminution in the rubbee crop.

2. The net result is a profit from direct income of Rs. 10,72,690 on the aggregate transactions of the year, or Rs. 19,15,133, if the indirect returns are taken into calculation, giving a percentage of Rs. 7 and 12·52, respectively, on the outlay. The aggregate profits amounted to 48·91 per cent. of the gross direct income, to 87·33 per cent. of the total income, direct and indirect.

3. The areas irrigated by the respective works amounted to 1,261,410 acres, distributed as follows :—

	Acres
Western Jumna Canal	496,543
Baree Doab Canal	233,927
Delhi and Goorgaon Works	9,746
Inundation Canals, Upper Sutlej	148,924
Ditto, Lower ditto	243,094
Indus Canals	129,176
Total ...	1,261,410

Western Jumna Canal

4. On the Western Jumna Canal the areas in the khurreef and rubbee were 234,465 and 262,078 acres, respectively, yielding a revenue of Rs. 6,46,653 and Rs 5,53,104, or a total of Rs. 11,99,757 ; the revenue yielded by the khurreef irrigation was thus greater by Rs. 93,549 than that obtained in the rubbee.

5. The total acreage was 9,664 acres in excess of the previous year, which had been the largest up to date. The following Table exhibits the results of the operations for the past five years :—

	Acres.	Gross revenue.	Net direct profit
		Rs	Rs.
1865-66	397,963	4,90,468	2,37,319
1866 67	447,171	7,50,497	5,10,451
1867-68	331,037	8,66,963	5,42,973
1868-69	486,878	12,21,072	8,65,966
1869 70	496,153	12,53,012	8,75,994

The last mentioned sum is 35·82 per cent. on the capital which has been expended by the British Government in the restoration of the Western Jumna Canal.

6. The indirect revenue, amounting to Rs. 3,72,563, represents the additional land revenue derived from the irrigated lands as it stood at the last settlement, and is not credited as a Public Works receipt.

7. The areas of the principal crops irrigated under this canal are as follows :—

	1866-67.	1867-68	1868-69.	1869-70
	Acres.	Acres	Acres.	Acres
Sugar-cane	19,773	27,209	38,908	45,122
Rice	62,071	39,455	34,883	46,705
Cotton	140,796	98,800	74,912	80,093
Indigo	1,805	1,315	888	1,551
Wheat	150,233	100,937	213,226	177,300

The falling off in wheat is attributed to the very great sickness and mortality prevailing throughout the District at the time of the rubbee sowings. The increase of sugar-cane indicates growing prosperity amongst the agriculturists, while that of rice is considered to have been encouraged by the large supply carried by the canal in the khurreef.

8. The proportion of khurreef to rubbee crops was as follows :—

	Khurreef.	Rubbee.
1865-66	49 3	50 7
1866-67	47 2	52 7
1867-68	56·4	43 6
1868-69	40 8	59 2
1869-70	47·3	52·7

showing how nearly equal areas are irrigated in each season of the year.

9. The proportion of flow to lift was 88·58 to 11·42, a considerable improvement over last year, which showed a proportion of 69 to 31.

10. The maintenance charges per acre irrigated for the past five years have been—

	Annas.
1865-66	10·05
1866-67	9·38
1867-68	15·64
1868-69	11·66
1869-70	11·85

and the duty obtained from a cubic foot of water during the same period—

	Khurreef.	Rubbee.	Year
1865-66	120·8	160·6	262·0
1866-67	108·6	147 1	250·0
1867-68	96·2	7·97	176·5
1868-69	92·0	159·0	251·0
1869-70	102·0	138·0	240·0

The operations on this canal may, therefore, be said to have been very satisfactory, though an improvement may be expected in the duty per cubic foot for the rubbee crops.

Baree Doab Canal.

11. The results of this canal have not been so satisfactory as in the previous year, attributable, it is stated, to the shortness of the rubbee crop, which was caused partly by the necessity for closing the canal from the middle of September to the middle of October, and partly by the levy of arrears of water-advantage rate temporarily reducing the demand for irrigation.

12. The area in khurreef was 30,000 acres in excess of the previous year, the largest on record, and the current expenses have been Rs. 59,400 less, notwithstanding an exceptionally heavy expenditure on masonry works caused by heavy floods in the Ravee.

13. The reduction in the current charges may be considered satisfactory so far as they go. The net return for the year has, however, been only 2·86 per cent. from direct income, and 3·91 from direct and indirect combined.

14. The levy of the water-advantage rate on the upper lands of the canal seems to have affected the demand for irrigation; but this may prove to be directly beneficial to the country rather than otherwise, by allowing the lands lower down, where irrigation is more needed, to receive a larger supply.

15. The gross revenue earned by the Baree Doab Canal for the past five years has been as follows:—

	Rs.
1865-66	4,25,256
1866-67	5,54,910
1867-68	6,24,654
1868-69	7,06,324
1869-70	6,85,439

16. The acreage irrigated and the net direct returns during the same period—

	Acres.	Revenue.
		Rs.
1865-66	175,979	1,12,535
1866-67	228,427	2,67,646
1867-68	262,455	2,69,166
1868-69	299,835	3,73,527
1869-70	233,927	3,36,863

17. The rates for maintenance, notwithstanding the diminution in the charges noted above, still remains high, being at the rate of 23·84 annas per acre, and show that efforts must be made to reduce these charges still further.

18. The duty obtained from the water has been—

	Khurreef	Rubbee.	Year.
1865-66	57·94	111·76	169·7
1866-67	54·51	92·53	147·04
1867-68	56·9	122·0	166·0
1868-69	53·6	100·2	100·7
1869-70	67·4	90·6	158·0

Thus showing that, while an increase of duty was obtained in the khurreef, a decrease took place in the rubbee.

19. The total areas watered during the respective seasons amounted to in—

	Acres.
Khurreef	115,523
Rubbee	118,402

and the principal crops raised during the past five years have been as follows :—

	1865-66.	1866-67	1867-68.	1868-69.	1869-70.
	Acres.	Acres.	Acres.	Acres.	Acres.
Sugar-cane	9,181	9,156	10,600	9,811	11,623
Rice	53,584	57,615	63,961	41,256	76,768
Cotton	5,236	12,500	21,101	8,205	11,671
Wheat	59,827	108,707	122,720	175,609	87,398

The decrease in the wheat crop is very marked, but as it is the staple of the country, it will no doubt again rise to the former standard. The area irrigated per cubic foot shows that a large increase of revenue might be obtained without any increased supply of water for the rubbee crops. But unless such an increased supply can be obtained, it is mainly to the extension of the khurreef irrigation that increased returns from this canal must be derived, as during the khurreef an abundant supply may always be relied upon. Out of the total value of crops raised, amounting, according to the estimate, to Rs. 1,15,75,750, the khurreef crops are valued at Rs. 70,02,479, or more than one-half, while the water-rate in each season was nearly equal, being Rs. 2,75,361 and Rs. 2,76,285, respectively. The extension of the Kussoor and Sobraon branches of this canal, by conveying an increased khurreef supply, will, it is hoped, secure a still further distribution of the water to lands not hitherto reached, and so produce a correspondingly increased return.

Inundation Canals.

Upper Sutlej Division.

20. The results of the year's operations are more satisfactory as regards irrigation than have been obtained for some years past, as appear from the following statement of the irrigated areas :—

	Acres.
1866-67	51,675
1867-68	78,248
1868-69	66,584
1869-70	148,796

This large increase is mainly owing to the river freshes having commenced early and remained at a high level unusually late, but the Chief Engineer adds that much also is due to the Executive Engineer's exertions in effecting an equable distribution of the available water.

21. It is difficult to obtain with any exactness the duty performed by the water in these canals, but so far as can be calculated, it appears to vary between 41 and 53 acres per cubic foot during the khurreef. The water-rate which is levied from these Inundation Canals should be considered rather as a maintenance rate, than anything else. Properly speaking, the entire revenue raised from the land is that due to the irrigation, as the rain-fall is wholly inadequate to admit of any crop whatever being grown in dependence on it, so that, without the canals, the country would be deserted. Until the Revenue Settlement now in progress is completed, it is impossible to show in figures the proper returns from these canals, the actual water-rate charged being only 8 annas 4 pie per acre.

Lower Sutlej and Chenab.

22. The areas irrgated during the past five years have been—

	Acres.
1865-66	102,044
1866-67	119,897
1867-68	165,820
1868-69	199,463
1869-70	243,094

from which table it appears that the area was larger by 43,631 acres than in the previous year. The largest increases were in wheat and millet, while indigo, though above that of previous years, shows a considerable decrease.

23. The proportion of flow to lift irrigation was 78·25 to 21·75, against 80·69 to 19·31 in the previous year. The value of the produce raised by these canals is estimated at somewhat over half a million sterling, the principal crops irrigated having been—

	1866-67.	1867-68	1868-69.	1869-70.
	Acres.	Acres.	Acres.	Acres.
Indigo	37,320	37,631	60,076	43,728
Cotton	21,980	20,172	19,905	25,986
Sugar cane	3,207	3,422	3 330	3,373
Millet	37,307	43,993	46,289	63,159
Rice	4,839	6,464	8,757	10,155
Wheat	...	25,059	15,424	36,198
Turnips	...		10,638	15,650

Indus Canals.

24. The area irrigated during the year under review was greater by 22,017 acres than in the previous year, but not equal to that obtained in 1867. The following is a comparison of the average of the principal crops for four years:—

	1866-67.	1867-68	1868-69.	1869-70.
	Acres.	Acres.	Acres.	Acres
Millets	61,163	59,752	40,107	52,925
Wheat		41,229	20,764	25,420
Cotton	22,555	28,361	16,614	21,926
Indigo	12,105	18,185	17,810	12,955
Rice	15,533	11,252	8,231	7,628

25. The rain-fall varied from 3·96 in Jounpoor, which is situated in the centre of the irrigated tract, to 10·85 in Dera Ghazee Khan.

26. The total area of the District amounts to 1,484,332 acres; of this, 468,546 is unculturable, and of the remaining 1,015,786, one-half, or 478,393 acres, are under cultivation. The soil is said not to be rich, and is generally allowed to lie fallow.

If such be necessary, the inference drawn by the Superintending Engineer, that the means of irrigation is only one-third of what it should be to allow of the whole area being cultivated, does not seem to be quite correct.

27. The Reports of the several Officers have been prepared with great care, but some of the Tabular Statements might still be curtailed with advantage. However useful they may be to the local Officers, it seems scarcely necessary to encumber the Report to the Government of India with them. This remark applies more particularly to the elaborate tables prepared for the Delhi and Goorgaon works, which are very small and unimportant. It was remarked by the Government of India in the Review of the Report for 1868-69, that Statements Nos. 7, 8, 9, 10, and 11 might be omitted in future, but they still find a place in the present Report.

28. It is to be regretted that this Report has been received so long after it was due, as much of the interest attaching to it is thereby lost. And the receipt has been delayed to a period that has made it difficult for the Government of India to enter promptly upon its review.

ORDER.—Ordered, that copies of the Observations and of the Report be forwarded to the Secretary of State, the Financial Department, and the Department of Agriculture, Revenue and Commerce, for information. Also that the Observations be communicated to the several Local Governments and Administrations in the Public Works Department, Irrigation Branch, for information, and to the Home Department for publication as a supplement to the *India Gazette*.

GOVERNMENT OF INDIA.

DEPARTMENT OF AGRICULTURE, REVENUE, AND COMMERCE.

COMBINED STATEMENT OF THE QUANTITY OF MAUNDS OF SALT IMPORTED, AND THE AMOUNT OF DUTY REALIZED IN THE WHOLE BENGAL PRESIDENCY DURING THE ELEVEN MONTHS, APRIL TO FEBRUARY, OF THE YEARS 1867-68 TO 1871-72.

Bengal		Inland Customs.		Total.	
Quantity.	Duty.	Quantity.	Duty.	Quantity.	Duty.
1867-68.					
7,064,455	2,29,59,479	4,364,327	1,24,22,503	11,428,782	3,53,81,982
1868-69.					
6,751,212	2,19,41,439	4,542,369	1,29,04,000	11,293,581	3,48,45,439
1869-70.					
7,242,617	2,35,38,505	4,685,193	1,32,48,597	11,927,810	3,67,87,102
1870-71.					
7,525,851	2,44,59,016	4,504,236	1,25,02,423	12,030,087	3,69,61,439
1871-72.					
7,375,662	2,39,70,905	4,391,063	1,22,17,945	11,766,725	3,61,88,850

GOVERNMENT OF INDIA

ARTMENT OF AGRICULTURE, REVENUE AND COMMERCE.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS.

GENERAL REMARKS.—Except in the Panjáb, where there has been a rainfall varying from a slight shower in Multán to an inch and a half in Ráwal Pindí, the fortnight has been one of uninterrupted fine weather. This state of things has been favorable to the getting in of the harvest, an operation which has been going on generally in Bombay, Sindh, the Central Provinces, the Berars, the lower portion of the North-Western Provinces, Oudh, and Bihár, and which in many districts has been completed. As far, therefore, as these tracts are concerned, the fortnight has merely tended to realise estimates already made with tolerable certainty. The prices of bájra in Khándesh, Násik, and parts of the Bombay Deccan shew where the harvest has been short, and the want of timely rain is making itself felt more and more in Mhairwara and the Berars. In the upper districts of the North-Western Provinces, in Bengal Proper, and in the Panjáb prospects are good. In Mysor rain is wanted for the hot-weather crops. In Madras things continue unchanged, prices remaining steady and public health good in the northern coast districts, where the want of earlier rain was felt.

Presidency or Province.	District.	Date of District Report.	Rainfall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
MADRAS ...	Ganjam ...	March 27 ...	...	March 28 ...	Slight partial rain; prices steady; market well supplied by importation; health good; murrain decreasing.	The condition of the Presidency is unchanged
	Vizagapatam ...	" ...	Nil	" " ...	Prices steady; market well supplied by importation; health good generally; pasture scanty; water-supply diminishing.	
	Godávari ...	25 ...	Nil	...	Prices steady; market well supplied; health good.	
	Krishna ...	" 27 ...	Nil	...	Prices tending to rise; market well supplied; pasture scanty.	
	Karnul ...	" ...	Nil	...	Water-supply diminishing; prices steady; crops in good order; pasture sufficient; health fairly good.	
	Nágapatam ...	" ...	Nil	..	Prices steady.	
	Trichinápalli ...	" ...	Nil	March 28 ...	Prices steady; harvest below the average; crops in fair order.	
	Calicut ...	" 26 ...	Nil	" " ...	Prices low and steady; health fairly good.	

BOMBAY ...	Sindh ...	March 27 ...	...	March 28 ...	Reaping of rabi general; cotton-picking completed. In Karáchi wheat twelve sers, rice eight; in Shikárpur wheat sixteen and in Upper Frontier ten.
	Guzarát ...	" " ...	...	" ...	Reaping of late crops going on in Kaira; finished in Broach. In Ahmadábád wheat eleven, bájri fourteen and a half; in Kaira bájri fourteen, and in Broach thirteen; in Súrat wheat seven and a half.
	Khándesh and Násik ...	" " ...	...	...	Grain and cotton prospects unfavorable; in Násik water scarce, bájri eleven and a quarter. In Khándesh bájri fourteen.
	Dakkhan ...	" " ...	...	...	Harvest completed. In Púna bájri ten, and in Ahmadnagar ten and decimal seven; in Sholapur jawári seventeen and three-quarters.
	Southern Mahratha Country	" " ...	...	March 28 ...	Late crops reaped; cotton almost picked; prospects good in Bilgáon, middling in Dhárwár, and unfavorable in Kaladghi. In Bilgáon jawári seventeen and a half, Kaladghi sixteen, and Dhárwár twenty-four. NOTE.—Prices of grain per rupee are given in sers.
BENGAL ...	Bhágalpur Division ...	March 27 ...	*Nil*	March 28 ...	Weather seasonable; crops very good.
	Sonthal Parganas ...	" " ...	*Nil*	" " ...	Dry and hot; almost all crops off the ground; Mohwa in Godda promises well.
	Patna Division ...	" " ...	*Nil*	" " ...	Fair and dry; the greater part of the rabi crops being gathered; they have grown well. Indigo is being sown.
	Rájsháhi Division ...	" " ...	*Nil*	" " ...	Temperature fair and warm; rain wanted; spring crop being reaped: will be a full one. In Dinájpur mustard scanty.
	Bardwán Division ...	" " ...	*Nil*	" " ...	Hot and dry; spring crops favorable. In Birbhúm not more than three-fourths outturn.
	Presidency Division ...	" " ...	*Nil*	" " ...	Fair and dry; crops good.
	Dacca Division ...	" " ...	*Nil*	" " ...	There has been a little rain; but more is wanted. Prospects of crops continue good.
	Chittagong Division ...	" " ...	*Nil*	" " ...	Hot; crops good.
	Cattack Division ...	" " ...	*Nil*	" " ...	No rainfall; prospects of crops good. In Puri some improvement; in Sathpara and Páricud. In Malud and Bajrakat relief works going on.
	Chota Nagpur Division ...	" " ...	*Nil*	" " ...	Dry and clear; prospects of crops fair.
	Assam Division ...	" " ...	*Nil*	" " ...	Weather variable; state of crops satisfactory.
	Kuch-Behar ...	" " ...	*Nil*	" " ...	Fair; crops good; none on the ground in the Garro Hills and Darjiling.

Presidency or Province.	District.	Date of District Report.	Rainfall for fortnight preceding.	Date of report from Local Government or Administration.	State of agricultural prospects.	Remarks of Local Government or Administration.
N. W. Provinces ...	Allahabad ...	March 27	*Nil*	March 28	Weather excellent as before; harvest reported good in all quarters; the reaping half over in Benares and Allahabad.	
Panjáb ...	Delhi ...	March 27	*Nil*	March 28	Crops doing well; weather rather warm.	Harvest prospects generally favorable.
	Ambála ...	" "	·1 with hail	" "	Good.	
	Jalandhar ...	" "	1·35	" "	Crops good.	
	Lahor ...	" "	·5	" "	Crops good on irrigated, but bad on unirrigated land.	
	Multán ...	" "	...	" "	Slight fall in Multán and Lodhrán Tahsils; two-tenths in Serai Sidhu; crops improving.	
	Ráwal Pindí ...	" "	1·5	" "	Good.	
	Pesháwar ...	" "	1·4	" "	Good.	
Oudh ...	Lucknow ...	March 27	*Nil*	March 28	Barley being harvested; wheat in some parts light; prospects favorable.	
	Faizábád ...	" "	*Nil*	" "		
Central Provinces ...	Nágpur ...	March 27	*Nil*	March 28	All rabi crops cut; hot season has set in; prices steady.	
	Wardha ...	" "	*Nil*	...	All crops gathered.	
	Jabalpur ...	" "	*Nil*	...	Rabi crops have suffered from unseasonable rain which fell early in March.	
	Ságar and Damoh ...	" "	...	...	Yield of wheat below the average from blight.	
	Sioni and Mandla ...	" "	...	...	Prospects favorable.	
	Hoshangábád ...	" "	*Nil*	...	Wheat yield not above an unusually bad season.	
	Chhindwára ...	" "	...	...	Harvest average.	
	Betul ...	" "	...	...	Harvest above three-fourths.	
	Narsinghpur ...	" "	...	...	Prospects favorable.	
	Nimár ...	" "	...	...	Rabi not favorable; wheat and gram being harvested.	
	Raipur ...	...	...	...	No report received.	
Haidarábád Assigned Districts ...	East Berar ...	March 28	...	28	Want of water becoming more and more sensibly felt in several parts of the division. Public health good.	
	West Berar ...	" 27	...	" "	Harvest now over; want of forage and water is causing serious distress.	

RAJPUTÁNÁ ...	Sirohi, Márwár, Dioli, Kotta, Jhaláwar	...	March 28 ...	...	March 28 ...	Same as last fortnight; further reports not received.
	Meywár	...	" " ...	...	...	Scarcity of water increasing; crops being reaped; outturn very poor.
	Jaipúr	...	" " ...	...	...	Crops favorable.
	Ajmir	...	...	*Nil*	...	Crop prospects satisfactory.
	Mhairwára	...	March 28 ...	...	...	People aided by famine labor; crops very scanty.
CENTRAL INDIA ...	Indor	...	March 27 ...	*Nil*	March 28 ...	Opium nearly all in; a bumper crop; rabi crops good.
	Ratlám		" " ...	*Nil*	" " ...	Opium and wheat crops unusually good.
	Baghelkhand		" " ...	...	...	Only a few drops of rain at Satna on the 16th; prospects of crops good.
	Gwalior	...	...	...	...	No report.
MYSOR ...	Bangalor	...	March 27 ...	*Nil*	March 28 ...	The hot-weather paddy and sugarcane crops continue to look somewhat parched in some places for want of water.
	Mysor	...	" 26 ...	*Nil*	" " ...	Cotton, sugarcane, mulberry, and hot-weather paddy crops thriving; murrain among cattle in Malaváli Táluk.
	Khurg	...	" 27 ...	*Nil*	...	Threshing of paddy nearly completed; cultivation of dry crops stopped for want of rain, which is also much needed for coffee and cardamoms.
BRITISH BURMA ...	...		...	*Nil*	March 28 ...	No crops.

The want of water generally is much felt.

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